

IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS  
FOR THE NINETY-SIXTH GENERAL ASSEMBLY  
SITTING AS AN IMPEACHMENT TRIBUNAL

In re: )  
Impeachment of )  
Governor ROD R. BLAGOJEVICH )

Hearing held before the Honorable Chief  
Justice Thomas Fitzgerald on the 27th of  
January, 2009 at the hour of 9:55 a.m., in the  
Senate Chambers, Illinois State Capitol,  
Springfield, Illinois.

TRANSCRIPT OF PROCEEDINGS

VOLUME 2

REPORTED BY: Gina M. Luordo, CSR, RPR, CRR

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I N D E X

WITNESS	DX	CX	RDX	RCX
DANIEL CAIN				
By Mr. Ellis	143			
CHAPIN ROSE				
By Mr. Ellis	329			

1                   (Whereupon, the following  
2                   proceedings were had in the  
3                   above-entitled cause.)

4                   CHIEF JUSTICE FITZGERALD: Please be  
5                   seated.

6                   Begin with an announcement. Ladies and  
7                   gentlemen, I have an announcement. On your  
8                   desk, you will find a packet of question forms.  
9                   These forms may be used to write down any  
10                  questions you may have of the witnesses.

11                  Please print your question and fill out  
12                  the requested information. Staffers around the  
13                  chamber are available to take your questions so  
14                  that they may be asked at the proper time.

15                  Thank you.

16                  Let the record reflect that the House  
17                  Prosecutor is present in the chamber.

18                  Is the Governor present? Is his  
19                  counsel present on behalf of the Governor?

20                  The record will reflect that the  
21                  Governor has chosen not to appear either in  
22                  person or by counsel.

23                  We will now resume the presentation of  
24                  live testimony. If the House Prosecutor would

1 please call his first witness.

2 HOUSE PROSECUTOR ELLIS: Thank you very  
3 much, your Honor. The House Prosecutor would  
4 call Special Agent Daniel Cain.

5 CHIEF JUSTICE FITZGERALD: The  
6 Sergeant-at-Arms will please escort Mr. Cain to  
7 the podium.

8 Madam Secretary, please swear in the  
9 witness according to Senate Impeachment Rule 22.

10 MADAM SECRETARY: Please raise your  
11 right hand and repeat after me and insert your  
12 name at the proper place.

13 (Whereupon, the witness was  
14 sworn.)

15 CHIEF JUSTICE FITZGERALD: Mr. Cain,  
16 please take your seat.

17 The House Prosecutor may now proceed to  
18 examine the witness.

19 HOUSE PROSECUTOR ELLIS: Thank you very  
20 much, your Honor.

21 For the Members' benefit, I would just  
22 like to briefly discuss what we talked about  
23 yesterday with regard to this witness as a  
24 somewhat unorthodox situation in the midst of an

1 ongoing criminal investigation.

2 We're fortunate to have the special  
3 agent working on the investigation testifying as  
4 to this affidavit.

5 As we talked about yesterday, pursuant  
6 to Department of Justice regulations, the United  
7 States Attorney has the authority and has  
8 exercised the authority in this case to limit  
9 the questioning of this witness to certain  
10 areas.

11 Again, these areas will be Special  
12 Agent Cain's background and responsibilities,  
13 whether the affidavit which is Exhibit 3 that  
14 was executed by Special Agent Cain was accurate,  
15 true and accurate, to the best of his knowledge  
16 at the time he executed it, whether the  
17 summaries and the quotes of the Governor's  
18 statements or anybody's statements contained in  
19 this affidavit as well as the voice  
20 identification of the Governor were accurate and  
21 he ensured that they were accurate at the time  
22 that he executed the affidavit and also the  
23 general procedures that Special Agent Cain and  
24 others assisted him followed in verifying the

1 accuracy of the things in his affidavit.

2 As I told you yesterday, the Assistant  
3 United States Attorney will be accompanying  
4 Special Agent Cain, and in the event that I ask  
5 a question that is out of bounds or I suppose in  
6 the event that another question is asked later  
7 that is beyond the scope of this, it will be  
8 Mr. -- it will be the U.S. Attorney's job to  
9 instruct Mr. Cain not to answer.

10 Tom Walsh from the U.S. Attorney's  
11 Office is sitting here today next to Mr. Cain.  
12 And I just wanted to make sure that everybody  
13 recalled this rather unusual situation.

14 DANIEL CAIN,  
15 called as a witness herein, having been first  
16 duly sworn, was examined and testified as  
17 follows:

18 DIRECT EXAMINATION

19 BY HOUSE PROSECUTOR ELLIS:

20 Q. Special Agent Cain, good morning.

21 Could you introduce yourself to the  
22 Senate, please?

23 A. Good morning. My name is Daniel Cain.

24 Q. Agent Cain, I'm going to have handed to

143

1 you a copy -- I'm going to be handing you a copy  
2 of what has been marked as Exhibit 3, and we're  
3 going to give a copy to Mr. Walsh if we could as  
4 well so he can follow along.

5 Agent Cain, do you recognize that  
6 document?

7 A. I do.

8 Q. What is that document?

9 A. This is the criminal complaint and the  
10 affidavit I filed before Magistrate Judge  
11 Michael Mason.

12 Q. And when did you do that? When did you  
13 file that before Judge Mason?

14 A. I filed it on December the 7th, 2008.

15 Q. And was that two days before the  
16 Governor was arrested?

17 A. Yes, it was.

18 Q. Agent Cain, if you could, just  
19 briefly -- or just tell us, tell the Senate your  
20 experience and background, please.

21 A. I grew up in Central Illinois. I  
22 attended the University of Illinois in  
23 Champaign, Illinois where I graduated with a  
24 bachelor of science degree in accounting in

1 1980. Thereafter, I worked as an internal  
2 auditor at a bank in St. Louis.

3 CHIEF JUSTICE FITZGERALD: Agent Cain,  
4 just for a moment -- excuse me for just a  
5 moment.

6 Have we advised the Senate that we have  
7 the same packet that the witness will be working  
8 from?

9 HOUSE PROSECUTOR ELLIS: I apologize.  
10 I believe that we do have a packet that has been  
11 distributed that contains this affidavit, your  
12 Honor.

13 MADAM SECRETARY: It's not been  
14 distributed yet.

15 CHIEF JUSTICE FITZGERALD: Mr. Cain, I  
16 apologize.

17 HOUSE PROSECUTOR ELLIS: I apologize,  
18 your Honor. I thought they had the packets.

19 CHIEF JUSTICE FITZGERALD: Did all the  
20 senators receive the booklet?

21 You may proceed, Counsel.

22 HOUSE PROSECUTOR ELLIS: Thank you,  
23 your Honor.

24



1 BY HOUSE PROSECUTOR ELLIS:

2 Q. So Mr. Cain, I think you left off with  
3 the first job you had taken after you graduated  
4 from the University of Illinois. You can  
5 continue with your background, please.

6 A. Yes.

7 After graduating from the University of  
8 Illinois, I received a certification as a  
9 Certified Public Accountant, and my first job  
10 was as an internal auditor at a bank in  
11 St. Louis, Missouri.

12 Afterwards, I was an accounting  
13 manager, export manager, office manager, for an  
14 agriculture firm near Champaign, Illinois.

15 I joined the FBI in July of 1986 as a  
16 special agent, and I have been a special agent  
17 for over 22 years, working the majority of that  
18 time investigating white collar crimes.

19 My first office was in Portland,  
20 Oregon. I was there for a couple of years and  
21 transferred to the Chicago field office in  
22 January of 1989.

23 Early in 1989, I was assigned to an  
24 investigation involving the Chicago Board of

1 Trade and the Chicago Mercantile Exchange  
2 commodities investigation involving fraud of  
3 those exchanges where traders were defrauding or  
4 cheating customers out of money in trades  
5 executed on the floor of those exchanges.

6 Afterwards, I was assigned to a large  
7 highway fraud investigation where a large  
8 contractor was overbilling for materials used on  
9 road construction projects and defrauding union  
10 workers out of certain pay and benefits.

11 During approximately this time,  
12 starting in 1994, as an additional duty to  
13 investigating white collar crimes, I was a  
14 member of Chicago's Evidence Response Team where  
15 I received specialized training in searching,  
16 collecting and documenting evidence collected at  
17 crime scenes.

18 In that role, I was sent to the crime  
19 scene in Oklahoma City bombing in 1995. I was  
20 sent to Nairobi, Kenya to do the investigation  
21 of the bombing of the U.S. Embassy in 1998. And  
22 on September the 11th, 2001, our Evidence  
23 Response Team was sent to Somerset, Pennsylvania  
24 to investigate the crash of United Airlines

1 Flight 93.

2 Starting in approximately 2003, I was  
3 assigned to a series of investigations involving  
4 public corruption which led up to the charges  
5 that are documented in this complaint.

6 Q. Agent Cain, do you have experience  
7 dealing with the nonconsensual interception of  
8 oral and wire communications?

9 A. Yes, I do.

10 Q. Agent, I would like to ask about your  
11 involvement in this investigation that lead to  
12 the filing of this criminal complaint against  
13 Governor Blagojevich. I would like to turn your  
14 attention to Paragraph 2 of your affidavit,  
15 Exhibit 3. I'm going to read it to you.

16 "I have participated in and am familiar  
17 with this investigation through interviews and  
18 analysis of reports submitted by other special  
19 agents of the FBI, Internal Revenue Service, the  
20 U.S. Postal Inspection Service and the U.S.  
21 Department of Labor's Office of Inspector  
22 General, personal interviews conducted with  
23 witnesses, my review of consensually-recorded  
24 conversations, a review of pen register

1 information, track-and-trace information and  
2 telephone toll record information and a review  
3 of information derived from the interception of  
4 wire communications occurring to and from  
5 certain telephones.

6 I am also familiar with information  
7 derived from the interception of oral  
8 communications occurring in the offices of  
9 Friends of Blagojevich, 4147 North Ravenswood  
10 Avenue, Suite 300, Chicago, Illinois.

11 In addition, I am familiar with  
12 testimony given during the trial of Antoin Rezko  
13 from March to May of 2008."

14 Agent Cain, is Paragraph 2 true and  
15 accurate to the best of your knowledge?

16 A. Yes, it is.

17 Q. I would like to turn your attention to  
18 some of the details of this investigation that  
19 led to the ultimate intercepting of  
20 conversations involving the Governor at his home  
21 and at his campaign office as you recounted in  
22 Paragraph 2. I would like to turn your  
23 attention to Paragraph 14 of your affidavit.

24 Paragraph 14. "As detailed below, in

1 early October 2008, the government obtained  
2 information that Rod Blagojevich was  
3 accelerating his corrupt fundraising activities  
4 to accumulate as much money as possible before  
5 the implementation of ethics legislation on  
6 January 1, 2009 that would severely curtail Rod  
7 Blagojevich's ability to raise money from  
8 individuals and entities conducting business  
9 within the State of Illinois.

10 Based in part on the recently-obtained  
11 information and as part of the investigation  
12 into Rod Blagojevich's corrupt fundraising  
13 activities, fundraising efforts, in October of  
14 2008, the government obtained court approval to  
15 intercept oral communications in certain  
16 locations in the offices of Friends of  
17 Blagojevich.

18 In addition, as part of its  
19 investigation, the government obtained court  
20 approval to intercept wire communications on the  
21 home phone of Rod Blagojevich. Specifically, on  
22 October 21, 2008, Chief Judge James F.  
23 Holderman signed an order authorizing the  
24 interception of oral communications for a 30-day

1 period in two rooms at the Friends of  
2 Blagojevich office, the personal office of Rod  
3 Blagojevich and the conference room.

4 On the morning of October 22, 2008, the  
5 FBI began intercepting oral communications in  
6 those rooms.

7 On November 19, 2008, Chief Judge James  
8 F. Holderman signed an order authorizing the  
9 continued interception of oral communications in  
10 the two rooms at the Friends of Blagojevich  
11 office for a second 30-day period.

12 On October 29, 2008, Chief Judge James  
13 Holderman entered an order authorizing the  
14 interception of wire communications to and from  
15 a land line telephone subscribed to Rod  
16 Blagojevich's home address and used by Rod  
17 Blagojevich and others. The interception of  
18 wire communications to and from Rod  
19 Blagojevich's home phone began on the evening of  
20 October 29, 2008.

21 On November 26, 2008, Acting Chief  
22 Judge Matthew F. Kennelly signed an order  
23 authorizing the continued interception of wire  
24 communications on Rod Blagojevich's home phone

1 for a second 30-day period."

2 Agent Cain, is that paragraph true  
3 accurate to the best of your knowledge?

4 A. Yes, it is.

5 Q. Okay.

6 So we've talked about the fact that you  
7 have -- we are now at the point where the Court  
8 has authorized the Federal Government to  
9 intercept communications of the Governor's  
10 campaign office and his home phone. I would  
11 like now to talk to you a little bit about the  
12 recorded conversations that resulted from these  
13 interceptions.

14 Agent, throughout Exhibit 3, throughout  
15 this 76-page affidavit, you summarized various  
16 statements made by the Governor, and you quote  
17 various statements made by the Governor; is that  
18 a fair statement?

19 A. Yes.

20 Q. Can you explain the general procedures  
21 you followed in verifying the accuracy of those  
22 summaries or those quotes?

23 A. Yes.

24 FBI agents listened to the recorded

1 conversations repeatedly and repeatedly compared  
2 those conversations to the quotes and the  
3 summaries in the complaints. There were a lot  
4 of people that listened to and compared these  
5 quotes and summaries a lot of times during the  
6 process.

7 Q. So after the summaries or the quotes  
8 were drafted into an affidavit, they were then  
9 compared back? Agents would then re-listen to  
10 the tapes to make sure that these summaries and  
11 quotes were accurate?

12 A. That's correct.

13 Q. Can you tell us for any particular  
14 conversation how many -- how many times one of  
15 your agents would have listened to these tapes,  
16 to these recordings?

17 A. I can't give you an exact number of  
18 times for the entirety of the recordings. I can  
19 say that it depended on the length of the  
20 recording and the complexity of the recording,  
21 but agents would listen to the recording  
22 repeatedly as many times as necessary to verify  
23 the accuracy of the summary and the quote.

24 Q. Let me ask you about voice



1 identification. There are a number of times in  
2 this complaint where you attribute statements to  
3 Governor Rod Blagojevich.

4 How did you positively identify the  
5 voice of the Governor as the one making those  
6 statements?

7 A. Well, the Governor is a very public  
8 figure, speaking at public appearances, in the  
9 media, on television, on the radio, so there's a  
10 certain voice recognition with that element  
11 alone, but we placed the bugs in the campaign  
12 office, in his campaign office, and tapped his  
13 telephone where we knew he had conversations.

14 We would listen to those telephone  
15 conversations, and at times, he would  
16 self-identify during those conversations. At  
17 times, other people would identify him or  
18 reference him, and that would be the next voice  
19 that would appear during the conversation.

20 Also, there were various other methods  
21 used to identify the Governor's voice, but in  
22 the end, we were very confident that it was the  
23 Governor's voice in those conversations.

24 Q. Did you have any difficulty in

1 identifying his voice?

2 A. No, we did not.

3 Q. Agent Cain, for each statement in this  
4 affidavit -- we're going to go through this  
5 affidavit in some detail, but let me ask you at  
6 the outset, for each statement in this affidavit  
7 that you attributed to Governor Rod Blagojevich,  
8 did you positively identify the voice as  
9 Governor Blagojevich's voice?

10 A. Yes, we did.

11 Q. I would like to get into some specifics  
12 now. I would like to first turn to the  
13 allegations, the information in your affidavit  
14 relating to the United States Senate seat.

15 I'm going to first direct your  
16 attention to Paragraph 86, if I could. And I  
17 will note that above Paragraph 86 in this  
18 affidavit is the heading "Evidence concerning  
19 efforts to obtain personal benefits for Rod  
20 Blagojevich in return for his appointment to the  
21 United States Senate," just for the record.

22 Paragraph 86 says, "Intercepted phone  
23 calls demonstrate that Rod Blagojevich, John  
24 Harris and others have engaged and are engaged

1 in efforts to obtain personal gain, including  
2 financial gain, for the benefit of Rod  
3 Blagojevich and his family through the corrupt  
4 use of Rod Blagojevich's authority as the  
5 Governor of the State of Illinois to fill the  
6 vacant United States Senate seat previously held  
7 by the President-Elect."

8 Agent Cain, at the time you executed  
9 this affidavit, was that paragraph true and  
10 accurate?

11 A. Yes.

12 Q. To the best of your knowledge?

13 Thank you.

14 Paragraph 86, sir: By law, after the  
15 President-Elect's resignation of his position as  
16 a U.S. senator which was effective on November  
17 16, 2008, Rod Blagojevich had sole authority to  
18 appoint his replacement for the two years  
19 remaining on the President's -- I'm sorry -- the  
20 President-Elect's Senate term. There is a  
21 citation to state law.

22 During the course of this  
23 investigation, agents have intercepted a series  
24 of communications regarding the efforts of Rod

1 Blagojevich, John Harris and others to misuse  
2 this power to obtain personal gain, including  
3 financial gain for Rod Blagojevich and his  
4 family.

5 In particular, Rod Blagojevich has been  
6 intercepted conspiring to trade the Senate seat  
7 for particular positions that the  
8 President-Elect has the power to appoint, for  
9 example, the Secretary of Health and Human  
10 Services.

11 Rod Blagojevich has also been  
12 intercepted conspiring to sell the Senate seat  
13 in exchange for his wife's placement on paid  
14 corporate boards or Rod Blagojevich's placement  
15 in a private foundation in a significant  
16 position with a significant -- with a  
17 substantial salary.

18 Rod Blagojevich has also been  
19 intercepted conspiring to sell the Senate seat  
20 in exchange for millions of dollars in funding  
21 for a nonprofit organization that he would start  
22 and that would employ him with a substantial  
23 salary after he left the governorship.

24 Agent Cain, at the time you executed

1     this affidavit, was that paragraph true and  
2     accurate to the best of your knowledge?

3             A.     Yes, it was.

4             Q.     I would like to -- you know what?  
5     Let's go to Paragraph 88, the following one.

6                     "Set out below are summaries of certain  
7     of the conversations referenced above. This  
8     affidavit does not include all calls dealing  
9     with the corrupt efforts of Governor Blagojevich  
10    and John Harris and others in the misuse of the  
11    power of Rod Blagojevich to appoint a United  
12    States Senator for the personal gain of Rod  
13    Blagojevich and his family. Nor does this  
14    affidavit set forth other calls where Rod  
15    Blagojevich and others discussed a possible  
16    appointment to the Senate seat based on  
17    considerations other than financial gain for Rod  
18    Blagojevich and his family.

19                    Discussions which took place with  
20    greater frequency after efforts to arrange for a  
21    private job for Rod Blagojevich in exchange for  
22    appointing a particular candidate to the open  
23    Senate seat did not meet with success.

24                    As set forth below, more recent

1 discussions focused on an effort to obtain  
2 campaign contributions up front in consideration  
3 of an appointment to the Senate."

4 At the time you executed this  
5 affidavit, was Paragraph 88 true and accurate to  
6 your knowledge?

7 A. Yes, it was.

8 Q. So now we're going to go to a series of  
9 intercepted conversations to summaries and some  
10 quotations of those conversations. I'm going to  
11 take you first to Paragraph 89.

12 On November 3, 2008 -- I'm going to  
13 stop for a second, if I could.

14 HOUSE PROSECUTOR ELLIS: Your Honor, as  
15 we now start to get into some of these  
16 statements, we are going to be using some of the  
17 demonstrative exhibits that have been admitted  
18 into evidence.

19 If it pleases the Court and the Body,  
20 our intention was to just put them up at the  
21 time that these statements are being read in.  
22 I can stop each time and seek leave, if you  
23 prefer. It's really your choice, but I think we  
24 are prepared to put them up as we go.

1 CHIEF JUSTICE FITZGERALD: You may  
2 proceed as you've indicated.

3 HOUSE PROSECUTOR ELLIS: Okay. Thank  
4 you very much. Thank you.

5 BY HOUSE PROSECUTOR ELLIS:

6 Q. I'm going to start again with  
7 Paragraph 89. On Paragraph 89, on November 3,  
8 2008, Rod Blagojevich talked with Deputy  
9 Governor A. This discussion occurred the day  
10 before the United States Presidential election.

11 Rod Blagojevich and Deputy Governor A  
12 discussed the potential senate seat vacancy.  
13 During the conversation, Rod Blagojevich told  
14 Deputy Governor A that if he is not going to get  
15 anything of value for the open senate seat, then  
16 Rod Blagojevich will take the senate seat  
17 himself. Quote, "If they're not going to offer  
18 anything of any value, then I might just take  
19 it."

20 Agent Cain, was that paragraph true and  
21 accurate at the time you executed this  
22 affidavit?

23 A. Yes, it was.

24 Q. Paragraph 9. "Later, on November 3rd,

1 2008, Rod Blagojevich spoke with Advisor A. By  
2 this time, media reports indicated that Senate  
3 Candidate 1, an advisor to the President-Elect,  
4 was interested in the senate seat if it became  
5 vacant and was likely to be supported by the  
6 President-Elect."

7 During the call, Rod Blagojevich  
8 stated: Quote, Unless I get something real good  
9 for Senate Candidate 1, blank, I'll just send  
10 myself. You know what I'm saying?

11 Rod Blagojevich later stated: "Quote,  
12 I'm going to keep this senate option for me a  
13 real possibility, you know, and therefore, I can  
14 drive a hard bargain. You hear what I'm saying?  
15 And if I don't get what I want and I'm not  
16 satisfied with it, then I'll just take the  
17 senate seat myself," close quote.

18 Later, Rod Blagojevich stated that the  
19 senate seat is a -- I'm going to start that  
20 over.

21 Later, Rod Blagojevich stated that the  
22 senate seat, quote, "is a F-ing valuable thing.  
23 You just don't give it away for nothing," close  
24 quote.



1           Agent Cain, was that paragraph true and  
2   accurate to the best of your knowledge and  
3   belief at the time you executed this affidavit?

4           A.   Yes, it was.

5           Q.   Paragraph 91.  On November 4th, 2008,  
6   Rod Blagojevich spoke with Deputy Governor A.  
7   This was the same day as the United States  
8   Presidential election.  With respect to the  
9   senate seat, Deputy Governor A suggested putting  
10   together a list of things that Rod Blagojevich  
11   would accept in exchange for the senate seat.  
12   Rod Blagojevich responded that the list, quote,  
13   can't be in writing, close quote.  Thereafter,  
14   Rod Blagojevich discussed whether he could  
15   obtain an ambassadorship in exchange for the  
16   senate seat.

17           Agent Cain, was that paragraph true and  
18   accurate at the time you executed this  
19   affidavit?

20           A.   Yes, it was.

21           Q.   We're going to stay on November 4th,  
22   Paragraph 92.  On November 4th of 2008, Rod  
23   Blagojevich spoke with John Harris regarding the  
24   potential vacant senate seat.  Rod Blagojevich

1     stated that the, quote, trick is how do you  
2     conduct indirectly a negotiation, close quote,  
3     for the senate seat.

4             Thereafter, Rod Blagojevich analogized  
5     his situation to that of a sports agent shopping  
6     a potential free agent to various teams stating,  
7     quote, "How much are you offering,  
8     President-Elect? What are you offering, Senate  
9     Candidate 2? Can always go to Senate Candidate  
10    3."

11            Later, Rod Blagojevich stated that he  
12    will make a decision on the senate seat, quote,  
13    in good faith, but it is not coming for free.  
14    It's got to be good stuff for the people of  
15    Illinois and good for me, close quote.

16            Rod Blagojevich states, quote,  
17    "President-Elect, you want it, fine, but it's  
18    got to be good, or I could always take the  
19    senate seat," close quote.

20            Agent Cain, was Paragraph 92 true and  
21    accurate at the time you executed this  
22    affidavit?

23            A.    Yes, it was.

24            Q.    We're going to move to the following

1 day now, November 5th, 2008, Paragraph 93. On  
2 November 5th, 2008, Rod Blagojevich spoke with  
3 Deputy Governor A regarding positions that Rod  
4 Blagojevich might be able to obtain in exchange  
5 for the soon-to-be-vacated senate seat. Among  
6 the potential positions discussed were Secretary  
7 of Health and Human Services and various  
8 ambassadorships.

9 Deputy Governor A noted that the  
10 cabinet position of Secretary of Energy is,  
11 quote, the one that makes the most money, close  
12 quote.

13 Deputy Governor A stated that it is  
14 hard not to give the Secretary of Energy  
15 position to a Texan, but with Rod Blagojevich's  
16 whole background, it might be a possibility.

17 Was Paragraph 93 true and accurate to  
18 the best of your knowledge at the time that you  
19 signed this affidavit?

20 A. Yes.

21 Q. Staying on November 5th, in  
22 Paragraph 94, sir, on November 5th, 2008, Rod  
23 Blagojevich spoke with John Harris regarding  
24 what Rod Blagojevich could obtain for the senate

1 seat. After discussing various federal  
2 governmental positions that Rod Blagojevich  
3 could trade the senate seat for, Rod Blagojevich  
4 asked about, quote, "the private sector," close  
5 quote, and whether the President-Elect could,  
6 quote, "put something together there, something  
7 big," close quote.

8           Thereafter, Harris suggested that the  
9 President-Elect could make Rod Blagojevich the  
10 head of a private foundation. Rod Blagojevich  
11 told Harris that he should do, quote, homework,  
12 close quote, on private foundations, quote,  
13 right away, close quote.

14           Rod Blagojevich asked whether he could  
15 get a high-ranking position at the Red Cross.  
16 Harris stated that, quote, it's got to be a  
17 group that is dependent on the President-Elect,  
18 close quote, and that a president probably could  
19 not influence the Red Cross. Rod Blagojevich  
20 told Harris to, quote, look into all of those,  
21 close quote.

22           Agent Cain, was that paragraph true and  
23 accurate at the time you signed this affidavit?

24           A. Yes, it was.

1           Q.    Staying on November 5th, Paragraph 95,  
2   on November 5, 2008, Rod Blagojevich talked with  
3   John Harris and Deputy Governor A.  They  
4   discussed the potential private foundations with  
5   which Rod Blagojevich might be able to get a  
6   position in exchange for filling the senate seat  
7   and in particular those foundations that are,  
8   quote, heavily dependent on federal aid, close  
9   quote, and which, therefore, the White House  
10  would have the most, quote, influence on.  Rod  
11  Blagojevich wanted to know how much the  
12  positions being discussed pay.

13               Was Paragraph 95 true and accurate at  
14  the time you signed this affidavit, sir?

15           A.  Yes, it was.

16           Q.  Staying on November 5th, in  
17  Paragraph 96, on November 5th, 2008, Rod  
18  Blagojevich talked with Advisor A about the  
19  senate seat.  During the call, Rod Blagojevich  
20  stated that the President-Elect can remove  
21  somebody from a foundation and give the spot to  
22  Rod Blagojevich.

23               In regards to the senate seat, Rod  
24  Blagojevich stated, quote, "I've got this thing,

1 and it's F-ing golden and, uh, uh, I'm just not  
2 giving it up for F-ing nothing. I'm not going  
3 to do it. And -- and I can always use it.  
4 I can parachute me there," close quote.

5 Agent, was Paragraph 96 true and  
6 accurate at the time you executed this  
7 affidavit?

8 A. Yes.

9 Q. I'm going to jump to November 7th,  
10 which is Paragraph 98. On November 7th, Rod --  
11 I'm sorry.

12 On November 7th, 2008, Rod Blagojevich  
13 talked with Advisor A about the senate seat.  
14 Rod Blagojevich said that he is willing to,  
15 quote, trade, close quote, the senate seat to  
16 Senate Candidate 1 in exchange for the position  
17 of Secretary of Health and Human Services in the  
18 President-Elect's cabinet.

19 Agent Cain, was Paragraph 98 true and  
20 accurate at the time you signed this affidavit?

21 A. Yes, it was.

22 Q. Staying on November 7th in  
23 Paragraph 99, Later on November 7, 2008, Rod  
24 Blagojevich discussed the open senate seat in

1 three-way call with John Harris and Advisor B, a  
2 Washington, D.C.-based consultant.

3 Rod Blagojevich indicated in the call  
4 that if he was appointed as Secretary of Health  
5 and Human Services by the President-Elect, then  
6 Rod Blagojevich would appoint Senate Candidate 1  
7 to the open senate seat.

8 Harris stated, quote, we wanted our ask  
9 to be reasonable and rather than make it look  
10 like some sort of selfish grab for a quid pro  
11 quo.

12 Rod Blagojevich stated that he needs to  
13 consider his family and that he is, quote,  
14 financially, close quote, hurting.

15 Harris said that they are considering  
16 what will help the, quote, "financial security  
17 of the Blagojevich family and what will keep Rod  
18 Blagojevich," quote, politically viable.

19 Rod Blagojevich stated, quote, "I want  
20 to make money," close quote.

21 During the call, Rod Blagojevich,  
22 Harris and Advisor B discussed the prospect of  
23 working a three-way deal for the open senate  
24 seat. Harris noted that Rod Blagojevich is

1 interested in taking a high-paying position with  
2 an organization called Change to Win, which is  
3 connected to Service Employees International  
4 Union or SEIU.

5 Agent, was paragraph -- I'm sorry.  
6 I have to keep going.

7 Continuing on with Paragraph 99, Harris  
8 suggested that SEIU official make Rod  
9 Blagojevich the head of Change to Win, and in  
10 exchange, the President-Elect could help Change  
11 to Win with his legislative agenda on a national  
12 level.

13 Advisor B asked why SEIU official  
14 cannot just give the job to Rod Blagojevich.

15 Harris responded that it would be just  
16 a big, quote, giveaway for SEIU official and  
17 Change to Win since there are already  
18 individuals on the Change to Win payroll doing  
19 the functions of the position that would be  
20 created for Rod Blagojevich.

21 Harris said that Change to Win will  
22 want to trade the job to Rod Blagojevich for  
23 something from the President-Elect. Harris  
24 suggested a, quote, "three-way deal," close



1 quote, and explained that a three-way deal like  
2 the one discussed would give the President-Elect  
3 a, quote, buffer so there is no obvious quid pro  
4 quo for Senate Candidate 1.

5 Rod Blagojevich stated that for him to  
6 give up the governorship for the Change to Win  
7 position, the Change to Win position must pay a  
8 lot more than he is getting paid right now.

9 Advisor B stated that he liked the idea  
10 of the three-way deal.

11 Rod Blagojevich stated that he is  
12 interested in making \$250,000 to \$300,000 and  
13 being on some organization boards.

14 Advisor B stated -- I'm sorry.  
15 Advisor B said they should leverage the  
16 President-Elect's desire to have Senate  
17 Candidate 1 appointed to the senate seat in  
18 order to get a head position with Change to Win  
19 and his salary.

20 Advisor B agreed that the three-way  
21 deal would be a better plan than Rod Blagojevich  
22 appointing Senate Candidate 2 to the Senate and  
23 getting more done as Governor.

24 I believe there's also a footnote here

1     that says, -- which I will read -- "Open source  
2     information indicates that Change to Win is an  
3     organization affiliated with seven unions  
4     including SEIU and appears to be focused on  
5     having the affiliated unions work together on  
6     matters of common interest. SEIU official is  
7     affiliated with SEIU."

8             Was Paragraph 99 true and accurate at  
9     the time you signed this affidavit, Agent?

10            A.    Yes, it was.

11            HOUSE PROSECUTOR ELLIS: I would also  
12     state to the members that we did introduce an  
13     explanatory exhibit with regard to Change to  
14     Win, an explanatory couple of pages from their  
15     website that should be in your packet.

16     BY HOUSE PROSECUTOR ELLIS:

17            Q.    Turning to November 8th -- and this  
18     will be Paragraph 100, Agent and the Members.  
19     On November 8th, 2008, Rod Blagojevich talked  
20     with John Harris about the senate seat. During  
21     the conversation, Rod Blagojevich and Harris  
22     discussed whether it would be possible to obtain  
23     any financial benefit for Rod Blagojevich's wife  
24     in relation to the senate seat. Specifically,

171

1 Rod Blagojevich referred to his wife's Series 7  
2 license and asked, quote, "Is there a play here  
3 with these guys with her," close quote, to work  
4 for a firm in Washington or in New York at a  
5 significantly better salary than she is making  
6 now.

7 Also, Rod Blagojevich wanted to know  
8 whether SEIU could do something to get his wife  
9 a position at Change to Win until Rod  
10 Blagojevich could take the position at Change --  
11 until Rod Blagojevich could take a position at  
12 Change to Win.

13 Was Paragraph 100 true and accurate at  
14 the time you signed this affidavit, sir?

15 A. Yes, it was.

16 Q. Moving to an intercepted conversation  
17 on November 10, and this is Paragraph 101. On  
18 November 10, 2008, Rod Blagojevich, his wife,  
19 John Harris, Governor General Counsel and  
20 various Washington, D.C.-based advisors  
21 including Advisor B discussed the open senate  
22 seat during a conference call.

23 The Washington, D.C.-based advisors to  
24 Rod Blagojevich are believed to have

1 participated on this call from Washington, D.C.  
2 Various individuals participated at different  
3 times during the call. The call lasted for  
4 approximately two hours, and what follows are  
5 simply summaries of various portions of the  
6 two-hour call.

7 Subparagraph A. Rod Blagojevich  
8 expressed his interest in figuring out a way to  
9 make money and build some financial security  
10 while at the same time potentially participating  
11 in the political arena again.

12 Rod Blagojevich mentioned the senate  
13 seat, the dynamics of a new presidential  
14 administration with the strong contacts that Rod  
15 Blagojevich has in it and asked what, if  
16 anything, he could do to make that work for him  
17 and his wife and his responsibilities as  
18 Governor of Illinois.

19 Rod Blagojevich suggested during the  
20 call that he could name himself to the open  
21 senate seat to avoid impeachment by the State of  
22 Illinois legislature.

23 Rod Blagojevich agreed it was unlikely  
24 that the President-Elect would name him

1 Secretary of Health and Human Services or give  
2 him an ambassadorship because of all of the  
3 negative publicity surrounding Rod Blagojevich.

4 B: Rod Blagojevich asked what he could  
5 get from the President-Elect for the senate  
6 seat.

7 Rod Blagojevich stated that Governor  
8 General Counsel believes the President-Elect  
9 could get Rod Blagojevich's wife on paid  
10 corporate boards in exchange for naming the  
11 President-Elect's pick to the senate.

12 The Governor General Counsel asked,  
13 quote, "Can the President-Elect help in the  
14 private sector where it wouldn't be tied to him,  
15 I mean, so it wouldn't necessarily look like one  
16 for the other," close quote.

17 Rod Blagojevich's wife suggested during  
18 the call that she is qualified to sit on  
19 corporate boards and has a background in real  
20 estate and appraisals.

21 Rod Blagojevich asked whether there was  
22 something that could be done with his wife's  
23 Series 7 license in terms of working on a deal  
24 for the senate seat. Rod Blagojevich stated

1     that he is, quote, "struggling financially,  
2     struggling," close quote, financially and does,  
3     quote, "not want to be Governor for the next two  
4     years," close quote.

5             C: Rod Blagojevich said that the  
6     consultants, Advisor B and another consultant  
7     are believed to be on the call at that time, are  
8     telling him that he has to, quote, suck it up  
9     for two years and do nothing and give this  
10    blank, referring to the President-Elect, his  
11    senator. F him. For nothing?  
12    F him, close quote.

13            Rod Blagojevich states that he will put  
14    Senate Candidate 4 in the Senate before I just  
15    give F-ing Senate Candidate 1 an F-ing Senate  
16    seat and I don't get anything, close quote.

17            Senate Candidate 4 is a Deputy Governor  
18    of the State of Illinois.

19            Rod Blagojevich stated that he needs to  
20    find a way to take the, quote, "financial  
21    stress," close quote, off of his family and that  
22    his wife is qualified or more qualified than  
23    another specifically-named individually to sit  
24    on corporate boards.

1           According to Rod Blagojevich, quote,  
2   "The immediate challenge is how do we take some  
3   of the financial pressure off of our family,"  
4   close quote.

5           Later in the phone call, Rod  
6   Blagojevich stated that absent getting something  
7   back, Rod Blagojevich will not pick Senate  
8   Candidate 1.

9           Harris restated Rod Blagojevich's  
10   thoughts that they should ask the  
11   President-Elect for something for Rod  
12   Blagojevich's financial security as well as  
13   maintaining his political viability. Harris  
14   said they could work out a three-way deal with  
15   SEIU and the President-Elect where SEIU could  
16   help the President-Elect with Rod Blagojevich's  
17   appointment of Senate Candidate 1 to the vacant  
18   seat. Rod Blagojevich would obtain a position  
19   as the national director of the Change to Win  
20   campaign, and SEIU would get something favorable  
21   from the President-Elect in the future.

22           D: One of Rod Blagojevich's advisors  
23   said he likes the idea, it sounds like a good  
24   idea but advised Rod Blagojevich to be leery of

1 promises for something two years from now. Rod  
2 Blagojevich's wife said they would take the job  
3 now.

4           Thereafter, Rod Blagojevich and others  
5 on the phone call discussed various ways Rod  
6 Blagojevich can, quote, "monetize," close quote,  
7 the relationships he had made as Governor to  
8 make money after Rod Blagojevich is no longer  
9 Governor.

10           Agent, was all of this Paragraph 101  
11 true and accurate at the time you signed this  
12 affidavit, sir?

13           A. Yes, it was.

14           Q. I believe we're staying on the date of  
15 November 10th, another intercepted phone  
16 conversation, Paragraph 102.

17           Later on November 10th, Rod Blagojevich  
18 and Advisor A discussed the open senate seat.  
19 Among other things, Rod Blagojevich raised the  
20 issue of whether the President-Elect could help  
21 get Rod Blagojevich's wife on, quote, "paid  
22 corporate boards right now," close quote.

23           Advisor A responded that he, quote,  
24 "thinks they could," close quote and that,



1 quote, "the President-Elect can do almost  
2 anything he sets his mind to," close quote.

3 Rod Blagojevich states that he will  
4 appoint, quote, "Senate Candidate 1, but if they  
5 feel like they can do this and not F-ing give me  
6 anything, then I'll F-ing go Senate Candidate  
7 5," close quote. Senate Candidate 5 is publicly  
8 reported to be interested in the open senate  
9 seat.

10 Rod Blagojevich stated that if his wife  
11 could get on some corporate boards and, quote,  
12 "picks up another 150 grand a year or whatever,"  
13 close quote, it would help Rod Blagojevich get  
14 through the next several years as Governor.

15 Agent, was this paragraph true and  
16 accurate at the time you signed this affidavit?

17 A. Yes.

18 Q. I'm going to jump to November 11th now,  
19 Paragraph 104. On November 11th, 2008, Rod  
20 Blagojevich talked with John Harris about the  
21 senate seat. Rod Blagojevich suggested starting  
22 a 501(c)(4) organization, a nonprofit  
23 organization that may engage in political  
24 activity and lobbying and getting, quote, his --

1 and this is believed to be the  
2 President-Elect's -- his friend, Warren Buffett,  
3 or some of those guys to help us on something  
4 like that, close quote.

5 Harris asked, quote, "What, for you,"  
6 close quote.

7 Rod Blagojevich replied, "Yeah."

8 Later in the conversation, Rod  
9 Blagojevich stated that if he appoints Senate  
10 Candidate 4 to the senate seat and thereafter it  
11 appeared that Rod Blagojevich might get  
12 impeached, he could, quote, "count on Senate  
13 Candidate 4 if things got hot to give the senate  
14 seat up and let me parachute over there," close  
15 quote.

16 Harris said, quote, "You can count on  
17 Senate Candidate 4 to do that," close quote.

18 Later in the conversation, Rod  
19 Blagojevich said he knows that the  
20 President-Elect wants Senate Candidate 1 for the  
21 senate seat, but, quote, "They're not willing to  
22 give me anything except appreciation. F them,"  
23 close quote.

24 Agent, was Paragraph 104 true and

1 accurate at the time you executed this  
2 affidavit?

3 A. Yes, it was.

4 Q. Paragraph 105. We're staying on  
5 November 11th, another intercepted phone  
6 conversation that day.

7 105. Later on November 11th, 2008, Rod  
8 Blagojevich talked with Advisor A. Advisor A  
9 indicated that he will stay, quote, "on top of  
10 getting the Senate Candidate 5 information  
11 leaded to a particular Sun-Times columnist."

12 Rod Blagojevich again raised the idea  
13 of the 501(c)(4) organization and asked whether,  
14 quote, "they," believed to be the  
15 President-Elect and his associates, can get  
16 Warren Buffett and others to put 10, 12 or \$15  
17 million into that organization.

18 Advisor A responded that they should be  
19 able to find a way to fund the organization.

20 Later in the conversation, Rod  
21 Blagojevich returned to the issue of the  
22 501(c)(4) organization and noted that he is  
23 looking for 10, 15, \$20 million in an  
24 organization like that. That was -- I'm

1     sorry -- a quote.   Quote, "10, 15, 20 million in  
2     an organization like that," close quote.

3             Rod Blagojevich said that when he is,  
4     quote, "no longer Governor," close quote, he  
5     could go over to that organization.   Rod  
6     Blagojevich said that, quote, "Senate Candidate  
7     6" -- Senate Candidate 6 based on other  
8     intercepted conversations is believed to be a  
9     wealthy person from Illinois.

10            Senate Candidate 6, quote, "could raise  
11    me money like that for a senate seat," close  
12    seat.

13            Rod Blagojevich asked, "If I get Senate  
14    Candidate 6 to do something like that, is it  
15    worth giving him the senate seat?"

16            Advisor A responded that it would be  
17    hard to put Senate Candidate 6 in the senate  
18    seat.

19            Rod Blagojevich said that it would be  
20    better than putting Senate Candidate 1 in the  
21    Senate and not getting anything back.

22            Later in the conversation, Rod  
23    Blagojevich and Advisor A again discussed the  
24    possibility of a 501(c)(4) organization, and Rod

1 Blagojevich again noted that, quote, Senate  
2 Candidate 6 could, quote, do it.

3 Rod Blagojevich and Advisor A discussed  
4 who might be close to Senate Candidate 6 to talk  
5 with him about the issue because Rod Blagojevich  
6 did not, quote, "want to be the one to ask  
7 something like that," close quote. Advisor A  
8 agreed to find out who was close to Senate  
9 Candidate 5.

10 Agent, was Paragraph 105 true and  
11 accurate at the time you signed this affidavit?

12 A. Yes, it was.

13 Q. Moving to November 12th, an intercepted  
14 conversation between the Governor and his chief  
15 of staff, Paragraph 106.

16 On November 12th, 2008, Rod Blagojevich  
17 talked with John Harris. Rod Blagojevich noted  
18 that CNN is reporting that Senate Candidate 1  
19 does not want the open senate seat.

20 Harris said, "That is just a tactic."

21 Rod Blagojevich raised the issue of the  
22 501(c)(4) organization and that contributors and  
23 others can put, quote, "10 to 15 million in it  
24 so I can advocate health care and other issues I

1 care about and help them. While I stay as  
2 Governor, she's" -- believed to be Senate  
3 Candidate 1 -- a senator," close quote.

4 Rod Blagojevich noted that the  
5 President-Elect can ask Warren Buffett, Bill  
6 Gates and others for money for that  
7 organization. Rod Blagojevich states he will  
8 ask, quote, "Senate Candidate 6 to help fund it  
9 as well."

10 Harris said that funding the 501(c)(4)  
11 would be a lot easier for the President-Elect  
12 than appointing Rod Blagojevich to a position.

13 Rod Blagojevich said, quote, "They  
14 could say, hey, we get Senate Candidate 1.  
15 Let's help this guy have a 501(c)(4) issue  
16 advocacy organization. Let's fund it to the  
17 level he's asked for, and then we'll get Senate  
18 Candidate 1," close quote.

19 Rod Blagojevich said that he will  
20 control the 501(c) organization through a board  
21 of directors while he is Governor, and then a  
22 position in the 501(c)(4) would be waiting for  
23 him when he was no longer Governor.

24 Was Paragraph 106 true and accurate at

1 the time you signed this affidavit, Agent Cain?

2 A. Yes, it was.

3 Q. Staying on November 12, Paragraph 107,  
4 another intercepted conversation. On November  
5 12th, 2008, Rod Blagojevich talked with Advisor  
6 B. Rod Blagojevich discussed with Advisor B his  
7 ideas for a 501(c)(4) organization.

8 Advisor B stated that he likes the idea  
9 but liked the Change to Win option better  
10 because according to Advisor B, from the  
11 President-Elect's perspective, there would be  
12 fewer, quote, "fingerprints on the  
13 President-Elect's involvement with Change to Win  
14 because Change to Win already has an existing  
15 stream of revenue" and therefore, quote, "you  
16 won't have stories in four years that they  
17 bought you off," close quote.

18 Rod Blagojevich said that he likes the  
19 501(c)(4) idea because he knows it will be there  
20 in two years when he is no longer Governor,  
21 where as Change to Win might not be.

22 Agent, was Paragraph 107 true and  
23 accurate at the time you signed this affidavit?

24 A. Yes.

1           Q.   Paragraph 108, staying on the same  
2   date, November 12, on November 12th, 2008, Rod  
3   Blagojevich talked with one of his Washington,  
4   D.C.-based advisors.  Rod Blagojevich explained  
5   the 501(c) organization idea to the advisor and  
6   that, quote, "the President-Elect gets these  
7   Warren Buffett types to fund it," close quote.

8           The advisor asked Rod Blagojevich if  
9   the 501(c)(4) is a real effort or just a vehicle  
10  to help Rod Blagojevich.

11           Rod Blagojevich stated that it is a  
12  real effort but also a place for Rod Blagojevich  
13  to go when he is no longer Governor.

14           The advisor said he likes the Change to  
15  Win idea better and knows that it is more likely  
16  to happen because it is one step removed from  
17  the President-Elect.

18           Agent, was that paragraph true at the  
19  time you signed the affidavit?

20           A.   Yes.

21           Q.   Staying on November 12th,  
22  Paragraph 109.  On November 12, 2008, Rod  
23  Blagojevich spoke with SEIU official who was in  
24  Washington, D.C.



1           Prior intercepted phone conversations  
2   indicate that approximately a week before this  
3   call, Rod Blagojevich met with SEIU official to  
4   discuss the vacant senate seat and Rod  
5   Blagojevich understood that SEIU official was an  
6   emissary to discuss Senate Candidate 1's  
7   interest in the senate seat.

8           During the conversation with SEIU  
9   official, on November 12, 2008, Rod Blagojevich  
10   informed the SEIU official that he had heard the  
11   President-Elect wanted persons other than Senate  
12   Candidate 1 to be considered for the senate  
13   seat.

14           SEIU official stated that he would find  
15   out if Senate Candidate 1 wanted SEIU official  
16   to keep pushing for senator with Rod  
17   Blagojevich.

18           Rod Blagojevich said that, quote, "one  
19   thing I would be interested in," close quote, is  
20   a 501(c)(4) organization. Rod Blagojevich  
21   explained the 501(c)(4) idea to SEIU official  
22   and said that the 501(c)(4) could help, quote,  
23   "our new senator, Senate Candidate 1."

24           SEIU official agreed to, quote, "put

1     that flag up and see where it goes," close  
2     quote.

3                 Was Paragraph 109 true and accurate,  
4     Agent, at the time you signed the affidavit?

5             A.    Yes, it was.

6             Q.    Okay.

7                 The follow-up conversation on  
8     November 12th is in Paragraph 110.  On November  
9     12th, 2008, Rod Blagojevich talked with Advisor  
10    B.  Rod Blagojevich told Advisor B that he told  
11    SEIU official, quote, "I said go back to Senate  
12    Candidate 1 and say, Hey, look, if you still  
13    want to be a senator, don't rule this out and  
14    then broach the idea of this 501(c)(4) with  
15    him," close quote.

16                Agent, was that paragraph true and  
17    accurate at the time you signed the affidavit?

18            A.    Yes.

19            Q.    Paragraph 111, also on November 12,  
20    later on November 12th, 2008, Rod Blagojevich  
21    talked with John Harris.

22                Rod Blagojevich stated that his  
23    decision about the open senate seat will be  
24    based on three criteria in the following order

1 of importance, quote, "our legal situation, our  
2 personal situation, my political situation.  
3 This decision, like every other one, needs to be  
4 based upon that: Legal, personal, political,"  
5 close quote.

6 Harris said, quote, "Legal is the  
7 hardest one to satisfy."

8 Rod Blagojevich said that his legal  
9 problems could be solved by naming himself to  
10 the senate seat.

11 Agent Cain, was Paragraph 111 true and  
12 accurate to the best of your knowledge and  
13 belief at the time you signed this affidavit?

14 A. Yes, it was.

15 Q. Moving to Paragraph 112 on the date of  
16 November 13, on November 13, 2008, Rod  
17 Blagojevich talked with John Harris. Rod  
18 Blagojevich said he wanted to be able to call,  
19 quote, "President-Elect Advisor and tell  
20 President-Elect Advisor that," quote, "this has  
21 nothing to do with anything else we're working  
22 on, but the Governor wants to put together a  
23 501(c)(4) and," quote, "can you guys help him  
24 raise 10, 15 million?"

1           Rod Blagojevich said that he wanted  
2   President-Elect Advisor to get the word today.  
3   That's a quote, "President-Elect Advisor to get  
4   the word today, "close quote, and that when,  
5   quote, "he asks me for the fifth CD thing, I  
6   want it to be in his head."

7           In a parenthetical, the reference to  
8   the fifth CD thing is believed relate to a seat  
9   in the United States House of Representatives  
10  from the Illinois Fifth Congressional District.

11           Prior intercepted phone conversations  
12  indicated that Rod Blagojevich and others were  
13  determining whether Rod Blagojevich has the  
14  power to appoint an interim replacement until a  
15  special election for the seat can be held, close  
16  parenthesis.

17           Was Paragraph 112 true and accurate to  
18  the best of your knowledge and belief, Agent  
19  Cain?

20         A.   Yes.

21         Q.   Paragraph 114, also on November 13 --  
22  I'm sorry. Paragraph 113, also on November 13,  
23  2008, Rod Blagojevich talked with Advisor A.

24           Rod Blagojevich said he wants the idea

1 of the 501(c)(4) in President-Elect's advisor's  
2 head but not in connection with the senate  
3 appointment or the congressional seat.

4           Advisor A stated -- asked whether the  
5 conversation about the 501(c)(4) with  
6 President-Elect Advisor is connected with  
7 anything else. Rod Blagojevich replied that,  
8 quote, "It's unsaid, it's unsaid," close quote.

9           Agent, was Paragraph 113 true and  
10 accurate at the time you signed this affidavit?

11         A. Yes, it was.

12         Q. Thank you.

13           Paragraph 114, later on November 13,  
14 2008, Rod Blagojevich spoke with Advisor A. Rod  
15 Blagojevich asked Advisor A to call Individual A  
16 and have Individual A pitch the idea of the  
17 501(c)(4) to President-Elect Advisor.

18           Advisor said while it's not, quote --  
19 let me start that over.

20           Advisor A said that, quote, "while it's  
21 not said, this is a play to put in play other  
22 things," close quote.

23           Rod Blagojevich responded, quote,  
24 "Correct."

1           Advisor A asked if this is, quote,  
2   "because we think there's still some life in  
3   Senate Candidate 1 potentially."

4           Rod Blagojevich said, quote, "Not so  
5   much her, but possibly her, but others."

6           Was Paragraph 114 true and accurate at  
7   the time you signed this affidavit?

8         A.   Yes.

9         Q.   Now we're going to turn to  
10   Paragraph 115 which has several sub-parts.

11           Paragraph 115. Throughout the past  
12   month, Rod Blagojevich has continued to engage  
13   in numerous conversations relating to filling  
14   the open senate seat. In these conversations,  
15   he has repeatedly discussed the attributes of  
16   potential candidates including, among other  
17   things, the candidate's ability to benefit the  
18   State of Illinois and the personal and political  
19   benefits for himself and his family of  
20   appointing particular candidates. These calls  
21   have included the following.

22           A, on December 4, 2008, Rod Blagojevich  
23   spoke to Advisor B and informed Advisor B that  
24   he was giving Senate Candidate 5 greater

1 consideration for the senate seat because, among  
2 other things, if Rod Blagojevich ran for  
3 re-election, Senate Candidate 5 would, quote,  
4 "raise money for Rod Blagojevich," although Rod  
5 Blagojevich said he might, quote, "get some  
6 money upfront maybe from Senate Candidate 5 to  
7 ensure Senate Candidate 5 kept his promise about  
8 raising money for Rod Blagojevich."

9           Parenthesis, in a recorded conversation  
10 on October 31, 2008, Rod Blagojevich described  
11 an earlier approach by an associate of Senate  
12 Candidate 5 as follows: Quote, "We were  
13 approached pay to play that, you know, he'd  
14 raise me 500 grand. An emissary came. Then the  
15 other guy would raise a million if I made him,  
16 Senate Candidate 5, a senator."

17           Subparagraph B, later on December 4,  
18 2008, Rod Blagojevich spoke to Fundraiser A.  
19 Rod Blagojevich stated he was, quote, "elevating  
20 Senate Candidate 5 on the list of candidates for  
21 the open senate seat." Rod Blagojevich stated  
22 he might be able to cut a deal with Senate  
23 Candidate 5 to provide Rod Blagojevich with  
24 something quote, "tangible up front," close

1     quote.

2                 Rod Blagojevich noted he was going to  
3     meet with Senate Candidate 5 in the next few  
4     days.

5                 Rod Blagojevich told Fundraiser A to  
6     reach out to Individual D, an individual who Rod  
7     Blagojevich was attempting to obtain campaign  
8     contributions from and who based on other  
9     intercepted phone calls Rod Blagojevich believes  
10    to be close to Senate Candidate 5.

11                Rod Blagojevich told Fundraiser A to  
12    tell Individual D that Senate Candidate 5 was  
13    very much a realistic candidate for the open  
14    senate seat but that Rod Blagojevich was  
15    getting, quote, "a lot of pressure not to  
16    appoint Senate Candidate 5."

17                Rod Blagojevich told Fundraiser A to  
18    tell Individual D that Rod Blagojevich had a  
19    problem with Senate Candidate 5 just promising  
20    to help Rod Blagojevich because Rod Blagojevich  
21    had a prior bad experience with Senate Candidate  
22    5 not keeping his word.

23                Rod Blagojevich told Fundraiser A to  
24    tell Individual D that if Senate Candidate 5 is



1 going to be chosen to fill the senate seat,  
2 quote, "Some of this stuff's got to start  
3 happening now, right now, and we got to see it.  
4 You understand?" Close quote.

5 Rod Blagojevich told Fundraiser A that,  
6 quote, "You got to be careful how you express  
7 that and assume everybody is listening. The  
8 whole world is listening. Do you hear me?"  
9 close quote.

10 Rod Blagojevich told Fundraiser A to  
11 tell Individual D if there is, quote, "tangible  
12 political support, campaign contributions like  
13 you said, start showing us now," close quote.

14 Fundraiser A stated he will call  
15 Individual D on the phone to communicate Rod  
16 Blagojevich's message.

17 Rod Blagojevich responded that, quote,  
18 "I would do it in person. I would not do it on  
19 the phone." Rod Blagojevich told Fundraiser A to  
20 communicate the urgency of the situation to  
21 Individual D.

22 C, on December 5 --

23 HOUSE PROSECUTOR ELLIS: Excuse me. If  
24 I could stop for a moment.

1 I apologize.

2 BY HOUSE PROSECUTOR ELLIS:

3 Q. Subparagraph C, on December 5th, 2008  
4 Rod Blagojevich spoke to Fundraiser A. On the  
5 morning of December 5th, 2008, The Chicago  
6 Tribune ran a front-page news story stating that  
7 Rod Blagojevich had recently been  
8 surreptitiously recorded in relation to an  
9 ongoing criminal investigation. During the  
10 conversation on December 5th, 2008, Rod  
11 Blagojevich and Fundraiser A discussed certain  
12 information contained in that newspaper story.  
13 Rod Blagojevich instructed Fundraiser A to,  
14 quote, "un-do your individual deed thing," close  
15 quote. Fundraiser A confirmed that it would be  
16 undone.

17 D, also, on December 5th, 2008 after  
18 publication of the Tribune article described  
19 above, Rod Blagojevich and three others  
20 discussed whether to move money out of the  
21 Friends of Blagojevich campaign fund to avoid  
22 having the money frozen and also considered the  
23 possibility of prepaying the money to Rod  
24 Blagojevich's criminal defense attorney with an

1 understanding that the attorney would donate the  
2 money back at a later time if it was not needed.  
3 They also discussed opening a new fundraising  
4 account named Citizens For Blagojevich with new  
5 contributions received.

6 Agent Cain, was everything in  
7 Paragraph 115 true and accurate to the best of  
8 your knowledge and belief at the time you signed  
9 this affidavit?

10 A. Yes, it was.

11 Q. And the final paragraph related to the  
12 senate seat, Paragraph 116. In addition, in the  
13 course of the conversations over the last month,  
14 Rod Blagojevich has spent significant time  
15 weighing the option of appointing himself to the  
16 open senate seat and has expressed a variety of  
17 reasons for doing so, including frustration at  
18 being, quote, "stuck," close quote, as Governor  
19 and believes that he would be able to obtain  
20 greater resources if he's indicted as a sitting  
21 senator as opposed to a sitting governor and a  
22 desire to remake his image in consideration of a  
23 possible run for President in 2016, avoid  
24 impeachment by the Illinois legislature, make

1 corporate contacts that would be of value to him  
2 after leaving public office, facilitate his  
3 wife's employment as a lobbyist and assist in  
4 generating speaking fees should he decide to  
5 leave public office.

6 Agent Cain, was that paragraph true and  
7 accurate at the time you signed this affidavit?

8 A. Yes, it was.

9 Q. At this point, I would like to shift  
10 topics and move to information regarding The  
11 Tribune Company. I'm going to be directing your  
12 attention to Paragraph 70.

13 HOUSE PROSECUTOR ELLIS: And just for  
14 the record, the Members are receiving copies of  
15 the Tribune articles right now. They've already  
16 been admitted into evidence. It's a series of  
17 editorials from the Tribune.

18 CHIEF JUSTICE FITZGERALD: Would you  
19 like a moment of ease?

20 HOUSE PROSECUTOR ELLIS: That would be  
21 fine, your Honor. Absolutely.

22 CHIEF JUSTICE FITZGERALD: Take five  
23 minutes of ease.

24

1                   (Whereupon, a short break was  
2                   taken.)

3                   CHIEF JUSTICE FITZGERALD: Counsel, are  
4   you ready to proceed?

5                   HOUSE PROSECUTOR ELLIS: Thank you very  
6   much, your Honor.

7                   We are now turning to the allegations  
8   related to The Tribune Company.

9   BY HOUSE PROSECUTOR ELLIS:

10       Q.   I'm going to begin with Paragraph 70,  
11   and that is on Page 41 of the affidavit.

12               Paragraph 70. Media accounts reflect  
13   that the Tribune Owner who acquired effective  
14   control of The Tribune Company as a result of a  
15   financial transaction in 2007 has sought to sell  
16   the Chicago Cubs, currently owned by The Tribune  
17   Company, and to use the proceeds of that sale to  
18   pay debt associated with his acquisition of The  
19   Tribune Company. Media accounts also reflect  
20   that final bids for the purchase of the Cubs  
21   were due by November 26, 2008 that Tribune Owner  
22   needs the proceedings from the sale of the Cubs  
23   to pay down debt associated with the Tribune  
24   Company acquisition and that a loan agreement

1 relating to his purchase of The Tribune Company  
2 may require Tribune Owner to accelerate payments  
3 if he is unable to reduce the debt by specified  
4 amounts.

5 Agent, was that paragraph true and  
6 accurate at the time you executed this  
7 affidavit?

8 A. Yes, it was, to the best of my ability  
9 and knowledge.

10 Q. Paragraph 71, which I believe is on  
11 Page 42. Based on a review of intercepted phone  
12 calls, it appears that The Tribune Company in  
13 connection with its efforts to sell the Cubs has  
14 explored the possibility of obtaining financial  
15 assistance from the Illinois Finance Authority  
16 or IFA related to the financing or sale of  
17 Wrigley Field.

18 During the course of this  
19 investigation, agents have intercepted a series  
20 of communications regarding the efforts of Rod  
21 Blagojevich and John Harris to corruptly use the  
22 power and influence of the Office of the  
23 Governor to cause the firing of Chicago Tribune  
24 editorial board members as a condition of State

1 of Illinois financial assistance in connection  
2 with Wrigley Field.

3           The phone calls reflect that Rod  
4 Blagojevich directed John Harris to inform  
5 Tribune Owner and an associate of Tribune Owner,  
6 Tribune Financial Advisor who is believed to be  
7 an individual identified in media accounts as a  
8 top assistant and financial advisor to Tribune  
9 Owner who played a significant role in Tribune  
10 Owner's purchase of The Tribune that State of  
11 Illinois financial assistance for The Tribune --  
12 for The Tribune Company's sale of Wrigley Field  
13 would not be forthcoming unless members of the  
14 Chicago Tribune's editorial board were fired.

15           Set out below are summaries of certain  
16 of those conversations.

17           This affidavit does not include all  
18 calls dealing with the corrupt efforts of Rod  
19 Blagojevich and John Harris to misuse their  
20 influence over the expenditure of state funds to  
21 cause the firing of employees of the Chicago  
22 Tribune editorial board.

23           Was Paragraph 71 true and accurate to  
24 the best of your knowledge at the point you

1     executed this affidavit?

2           A.    Yes.

3           Q.    Turning to Paragraph 72 on Page 43,  
4     this will be the first of the intercepted phone  
5     conversations -- I apologize -- conversations,  
6     phone or otherwise.

7                   On the evening of November 3rd, 2008,  
8     Rod Blagojevich talked to Deputy Governor A.  
9     Rod Blagojevich stated that he was concerned  
10    about possibly being impeached in the spring and  
11    that the Chicago Tribune will be, quote,  
12    "driving," close quote, the impeachment  
13    discussion.

14                  Rod Blagojevich asked Deputy Governor A  
15    to check to see if The Tribune has recently,  
16    quote, advocated that he be impeached. In fact,  
17    the Chicago Tribune recently had published  
18    editorials critical of Rod Blagojevich.

19                  HOUSE PROSECUTOR ELLIS: For the  
20    record, we have dispatched a number of those  
21    editorials for the senators during the break,  
22    and they have all been admitted into the record.  
23    BY HOUSE PROSECUTOR ELLIS:

24           Q.    Agent, was Paragraph 72 true and



1 accurate to the best of your knowledge at the  
2 time you signed this affidavit?

3 A. Yes, it was.

4 Q. Paragraph 73, same date, in another  
5 call between Rod Blagojevich and Deputy  
6 Governor A that occurred a short time later on  
7 November 3, 2008, Rod Blagojevich and Deputy  
8 Governor A discussed an editorial from the  
9 Chicago Tribune regarding the endorsement of  
10 Michael Madigan and calling for a committee to  
11 consider impeaching Rod Blagojevich. During the  
12 call, Rod Blagojevich's wife can be heard in the  
13 background telling Rod Blagojevich to tell  
14 Deputy Governor A to, quote, hold up that F-ing  
15 Cubs, blank. Blank them.

16 Rod Blagojevich -- close quote.

17 Rod Blagojevich asked Deputy Governor A  
18 what he thinks of his wife's idea. Deputy  
19 Governor A stated there's a part of what Rod  
20 Blagojevich's wife said that he, quote, "agrees  
21 with," close quote.

22 Deputy Governor A told Rod Blagojevich  
23 that Tribune Owner will say that he does not  
24 have anything to do with the editorials, quote,

1 "but I would tell him, look, if you want to get  
2 your Cubs things done, get rid of this Tribune,"  
3 close quote.

4 Later, Rod Blagojevich's wife got on  
5 the phone and during the continuing discussion  
6 of the critical Tribune editorials stated that  
7 Tribune Owner can, quote, "just fire the writers  
8 because Tribune Owner owns the Tribune."

9 Rod Blagojevich's wife stated that if  
10 Tribune Owner's papers were hurting his  
11 business, Tribune Owner would do something about  
12 the editorial board.

13 Rod Blagojevich then got back on the  
14 phone. Rod Blagojevich told Deputy Governor A  
15 to put together the articles in the Tribune that  
16 are on the topic of removing Rod Blagojevich  
17 from office, and they will then have someone  
18 like John Harris go to Tribune Owner and say,  
19 quote, "We've got some decisions to make now."

20 Rod Blagojevich said that, quote,  
21 someone should -- pardon me.

22 Rod Blagojevich said that, quote,  
23 "Someone should say, Get rid of those people."

24 Rod Blagojevich said that he thinks that they

1     should put this all together and then have  
2     Harris or somebody go talk to the Tribune owners  
3     and say, quote, "Look, we've got decisions to  
4     make now, moving this stuff forward," believed  
5     to be a reference to the IFA helping with the  
6     Cubs sale. "Someone's got to go to Tribune  
7     Owner. We want to see them. It's a political  
8     F-ing operation in there," close quote.

9             Deputy Governor A agreed and said that  
10    Harris needs to be, quote, "sensitive about how  
11    he does it."

12            Rod Blagojevich said there's nothing  
13    sensitive about how you do it, and that it's,  
14    quote, "straightforward" and you say, quote,  
15    "We're doing this stuff for you. We believe  
16    this is right for Illinois, and this is a big  
17    deal the Tribune Owner financially," close  
18    quote, but what Rod Blagojevich is doing to help  
19    Tribune Owner is the same type of action that  
20    the Tribune is saying should be the basis for  
21    Rod Blagojevich's impeachment.

22            Rod Blagojevich said Tribune Owner  
23    should be told, quote, Maybe we can't do this  
24    now, fire those blanks, close quote.

1 Deputy Governor A suggested that Rod  
2 Blagojevich say, quote, "I'm not sure that we  
3 can do this anymore because we've been getting a  
4 ton of these editorials that say, look, we're  
5 going around the legislation. We've got to  
6 stop, and this is something that the legislature  
7 hasn't approved. We don't want to go around the  
8 legislature anymore," close quote.

9 Rod Blagojevich agreed and said that he  
10 wants Harris to go in and make that case, quote,  
11 "not me," close quote.

12 Deputy Governor A agreed and said that  
13 he likes it. Rod Blagojevich asked Deputy  
14 Governor A to put the list of Tribune articles  
15 together.

16 Agent, was that paragraph true and  
17 accurate to the best of your knowledge at the  
18 time you executed this affidavit?

19 A. Yes.

20 Q. I'm going to take you now to Paragraph  
21 74 on Page 45 of your affidavit. During another  
22 intercepted call still later on the evening of  
23 November 3rd, 2008, Rod Blagojevich spoke with  
24 Advisor A, a former Deputy Governor under Rod

1 Blagojevich who is currently a lobbyist.

2 Rod Blagojevich stated that he is going  
3 to go to Tribune Owner and tell Tribune Owner  
4 that Rod Blagojevich will not help Tribune Owner  
5 because Tribune Owner's own paper will argue to  
6 impeach Rod Blagojevich for his actions in  
7 helping Tribune Owner.

8 Rod Blagojevich stated: They are going  
9 to go to Tribune Owner, quote, "before we pull  
10 the trigger on this deal," close quote, believed  
11 to be a reference to helping Tribune Owner at  
12 the IFA.

13 Was Paragraph 74 true and accurate to  
14 the best of your belief at the time that you  
15 signed this affidavit, sir?

16 A. Yes.

17 Q. Let's go to Paragraph 75 on Page 46.  
18 During an intercepted call on November 4th,  
19 2008, Rod Blagojevich spoke with Deputy Governor  
20 A. Rod Blagojevich told Deputy Governor A to  
21 think about the, quote, Tribune stuff and that  
22 he is going to talk to Harris as well.

23 Deputy Governor A confirmed that he has  
24 people doing the research right now.

1           Rod Blagojevich in discussing taking  
2   the issue to Tribune Owner stated, quote, "Then  
3   we'll say, look, we got a problem at IFA," here  
4   it is, close quote.

5           Agent, was that paragraph true and  
6   accurate to the best of your knowledge at the  
7   time you signed the affidavit?

8           A.   Yes.

9           Q.   Staying on that same date,  
10   November 4th, Paragraph 76, During a subsequent  
11   intercepted call on November 4, 2008, Rod  
12   Blagojevich talked with John Harris.  
13   Blagojevich discussed the Tribune editorials  
14   suggesting that Rod Blagojevich be impeached and  
15   told Harris that they need to have a  
16   conversation with, quote, "Tribune Financial  
17   Advisor," close quote.

18           In a parenthetical, it says, "As noted  
19   above, Tribune Financial Advisor is believed to  
20   be a top advisor to Tribune Owner who played a  
21   significant role in Tribune Owner's purchase of  
22   The Tribune."

23           Now that I've read that parenthetical,  
24   I would like to reread that sentence without the

1     parenthetical so it's understandable.

2             Rod Blagojevich discussed the Tribune  
3     editorials suggesting that Rod Blagojevich be  
4     impeached and told Harris that they need to have  
5     a conversation with Tribune Financial Advisor,  
6     Cubs Chairman and Tribune Owner and explain that  
7     The Tribune is writing editorials criticizing  
8     Rod Blagojevich for taking actions like those  
9     Tribune Owner wants Rod Blagojevich to take on  
10    this Cubs deal at the IFA.

11            Rod Blagojevich stated that because of  
12    the impeachment articles, quote, "We don't know  
13    if we can take a chance and do this IFA deal  
14    now. I don't want to give them a grounds to  
15    impeach me," close quote.

16            Rod Blagojevich stated that our  
17    recommendation is fire all those F-ing people,  
18    get them the "F" out of there and get us some  
19    editorial support.

20            Was Paragraph 76 accurate to the best  
21    of your knowledge at the time you executed this  
22    affidavit?

23            A.    Yes, it was.

24            Q.    Moving to the date of November 5th, the

1 following day, an intercepted phone call between  
2 the Governor and his chief of staff, and that's  
3 Paragraph 77, which I believe is on Page 47.

4 During an intercepted call on November  
5 5th, 2008, Rod Blagojevich talked to John  
6 Harris, Advisor A and spokesman, a State of  
7 Illinois employee who is the official  
8 spokesperson for the Governor's Office.

9 During part of the conversation, Rod  
10 Blagojevich instructed Harris to call someone at  
11 The Tribune and, quote, lay a foundation with  
12 them, close quote.

13 Harris agreed to call Tribune Financial  
14 Advisor.

15 Rod Blagojevich told Harris to tell  
16 Tribune Financial Advisor, quote, "This is a  
17 serious thing now," close quote, and that the,  
18 quote -- I'm sorry -- and that the only, quote,  
19 way around it is around the legislature and that  
20 The Tribune is trumping up impeachment  
21 discussions because I do this stuff to get  
22 things done, close quote.

23 Rod Blagojevich told Harris to tell  
24 Tribune Financial Advisor that, quote,



1 "Everything is lined up, but before we go to the  
2 next level, we need to have a discussion about  
3 what you guys are going to do about that  
4 newspaper," close quote.

5 Harris stated that he, quote, "won't be  
6 so direct," close quote.

7 Rod Blagojevich told Harris, quote,  
8 "Yeah, you know what you got to say," close  
9 quote.

10 Agent, was that Paragraph 77 accurate  
11 to the best of your knowledge at the time you  
12 signed this affidavit?

13 A. Yes, it was.

14 Q. Moving to the following day, November  
15 6th, in Paragraph 78, during intercepted calls  
16 on November 6th, 2008, Rod Blagojevich spoke  
17 with John Harris. Rod Blagojevich mentioned a  
18 Chicago Tribune editorial published that day  
19 about, quote, "disservices," close quote, that  
20 Rod Blagojevich had done to the State of  
21 Illinois and suggested that Harris call Tribune  
22 Financial Advisor about it.

23 Rod Blagojevich and Harris then  
24 discussed a conversation Harris had with Tribune

1 Financial Advisor the previous day, the prior  
2 day.

3 Harris said he told Tribune Financial  
4 Advisor that things, quote, "look like they  
5 could move ahead fine but, you know, there's a  
6 risk that all of this is going to get derailed  
7 by your own editorial page," close quote.

8 Harris said that he told Tribune  
9 Financial Advisor that they need to have a  
10 discussion on how they might tone things down  
11 and change the focus of that page. Harris said  
12 that Tribune Financial Advisor said that is a  
13 delicate issue, that Tribune Financial Advisor  
14 wanted to come in and talk to Harris about it  
15 and that Tribune Financial Advisor will talk to  
16 Tribune Owner preliminarily about it.

17 Later in the conversation, Rod  
18 Blagojevich and Harris talked about an upcoming  
19 meeting Harris will have with an individual at  
20 The Tribune believed to be Tribune Financial  
21 Advisor.

22 Harris stated that he will tell the  
23 individual that in Harris's experience, you  
24 cannot, quote, "tread lightly" and, quote -- and

1     you need to, quote, "make wholesale changes,"  
2     close quote.

3             Harris stated that he will, quote,  
4     "throw it out there and let them figure out how  
5     to do it."

6             Rod Blagojevich stated that Harris's  
7     suggestion will be to, quote, "get rid of these  
8     people," close quote and that, quote, "the other  
9     point you want to make is, in fact, we sure  
10    would like to get some editorial support from  
11    your paper. Okay?"

12            Harris stated, quote, "I want to do  
13    that in person," close quote. Harris stated  
14    that they will not get editorial support, quote,  
15    "out of the current crew," period.

16            Rod Blagojevich said, quote, "This is a  
17    priority. Stay on it. I mean, he -- he gets  
18    the message, doesn't he," close quote.

19            Harris replied, quote, "Oh, yeah, he  
20    got it loud and clear," close quote.

21            In apparent reference to the prospect  
22    of IFA assistance for the Wrigley Field deal,  
23    Rod Blagojevich then asked, quote, "What does  
24    this mean to them? Like 500 million? What does

1     it mean to Tribune Owner in real terms," close  
2     quote.

3             Harris replied, quote, "To them? About  
4     a 100 million, maybe 150."

5             Rod Blagojevich said he thought it was,  
6     quote -- let me start that sentence over.

7             Rod Blagojevich said that he thought,  
8     quote, "It was worth like 500 million to 'em,"  
9     close quote.

10            Rod Blagojevich and Harris then  
11     discussed the details of the deal the Cubs are  
12     trying to get through the IFA. Harris said that  
13     it is basically a tax mitigation scheme where  
14     the IFA will, quote, "own title to the  
15     building," close quote believed to be Wrigley  
16     Field, and The Tribune will not, quote, have to  
17     pay capital gains taxes.

18            Harris explained that the total gain to  
19     The Tribune is in the neighborhood of 100  
20     million.

21            Rod Blagojevich said, "100 million is  
22     nothing to sneeze at. That's still worth  
23     something, isn't it," close quote.

24            Harris said he planned on seeing

1 Tribune Financial Advisor the following Monday,  
2 November 10, 2008.

3 Agent Cain, was Paragraph 78 accurate  
4 to the best of your knowledge when you executed  
5 this affidavit?

6 A. Yes, it was.

7 Q. So that discussed an upcoming  
8 conversation on November 10th. I would like to  
9 go to the day after that, November 11th, in  
10 Paragraph 79.

11 During an intercepted call on November  
12 11, 2008, Rod Blagojevich talked with John  
13 Harris. Rod Blagojevich asked Harris about the  
14 Tribune issue.

15 I'm sorry. Just for the record,  
16 Paragraph 79 is on Page 49, if I've lost anyone.  
17 I'll start it over.

18 Paragraph 79. During an intercepted  
19 call on November 11, 2008, Rod Blagojevich  
20 talked with John Harris. Rod Blagojevich asked  
21 Harris about the Tribune issue.

22 Harris said that he met with Tribune  
23 Financial Advisor the prior day, November 10,  
24 2008, and that Tribune Financial Advisor talked

1 to Tribune Owner and Tribune Owner, quote, "got  
2 the message and is very sensitive to the issue,"  
3 close quote.

4 Harris stated that according to Tribune  
5 Financial Advisor there will be certain, quote,  
6 "corporate reorganizations and budget cuts  
7 coming, and reading between the lines, he is  
8 going after that section," close quote.

9 Rod Blagojevich responded, "Oh, that's  
10 fantastic," close quote.

11 According to Harris, Tribune Financial  
12 Advisor did not acknowledge that, quote, "he  
13 interferes in that operation, but I got the  
14 clear feeling that he was, ah, very sensitive to  
15 our concerns," close quote.

16 Rod Blagojevich asked Harris whether  
17 Tribune Financial Advisor understood the time  
18 line in which Rod Blagojevich wanted changes  
19 made in relation to, quote, "our ability to do  
20 this without the legislature," close quote,  
21 believed to be a reference to using IFA to help  
22 with the Cubs financing.

23 Harris stated, quote, "Correct.  
24 November, December."

1 Rod Blagojevich responded, quote,  
2 "Right."

3 Harris said that he expects, quote,  
4 "before the end of this month, there's going to  
5 be some reorganization or cuts," believed to be  
6 a reference to changes in the editorial board.

7 Rod Blagojevich replied, quote, "Wow.  
8 Okay. Keep our fingers crossed. You're the  
9 man. Good job, John," close quote.

10 Agent Cain, was Paragraph 79 true and  
11 accurate to the best of your knowledge and  
12 belief at the time you executed this affidavit?

13 A. Yes, it was.

14 Q. Moving to November 20th, an intercepted  
15 phone call on that date in Paragraph 80, and  
16 this is on Page 50.

17 During an intercepted call on November  
18 20, 2008, Rod Blagojevich spoke with John  
19 Harris. Rod Blagojevich began the conversation  
20 by asking Harris whether Harris is, quote,  
21 "making any progress on that Tribune editorial  
22 board with Tribune Financial Advisor," close  
23 quote.

24 Harris said he had not heard back from

1 Tribune Financial Advisor.

2 Rod Blagojevich direct Harris to quote,  
3 "be smart and stay on top of that," close quote,  
4 and advised Harris that Spokesman just informed  
5 Rod Blagojevich that the Tribune editorial board  
6 was not willing to listen to Deputy Governor A  
7 and basically hung up on Deputy Governor A.

8 Rod Blagojevich told Harris to touch  
9 base with Spokesman and Deputy Governor A. Rod  
10 Blagojevich told Harris to, quote, "keep talking  
11 to Tribune Financial Advisor about this."

12 Rod Blagojevich then suggested that  
13 Harris could say the following to Tribune  
14 Financial Advisor: "What are we going to do?  
15 We've got this IFA thing. We want to do all  
16 this. How is that going?" Close quote.

17 Rod Blagojevich asked Harris if he  
18 understood what Rod Blagojevich wants and told  
19 Harris to, quote, "use your judgment."

20 Agent Cain, was Paragraph 80 true and  
21 accurate at the time you executed this  
22 affidavit?

23 A. Yes.

24 Q. Moving to Paragraph 81 on Page 51,



1 during an intercepted call on November 21, 2008,  
2 Rod Blagojevich spoke with John Harris. Rod  
3 Blagojevich asked Harris whether he told Deputy  
4 Governor A that, quote, "McCormick is going to  
5 get bounced at the Tribune."

6 McCormick is believed to be John P.  
7 McCormick, the Chicago Tribune's deputy  
8 editorial page editor.

9 Harris said, quote, "No, I told him,"  
10 meaning Deputy Governor A, "that McCormick is in  
11 a bad mood," close quote, and that Harris was  
12 going, quote, "to check with Tribune Financial  
13 Advisor to see whether it was part of that  
14 message about the cuts on the Ed board."

15 Harris stated, "I had singled out  
16 McCormick as somebody who was the most biased  
17 and unfair," close quote.

18 Rod Blagojevich responded, quote, "To  
19 Tribune Financial Advisor you did," close quote.  
20 Harris confirmed that it was to Tribune  
21 Financial Advisor.

22 Rod Blagojevich stated, quote, "That  
23 would be great," close quote, and McCormick is  
24 a, quote, "bad guy."

1           Rod Blagojevich asked, quote, "Tribune  
2   Financial Advisor is on top of this, right?"

3           Harris replied that Tribune Financial  
4   Advisor said they would be, quote, downsizing  
5   that division or changing personnel and that  
6   Tribune Financial Advisor understands and  
7   Tribune Owner understands.

8           Rod Blagojevich confirmed that Harris  
9   made the point with Tribune Financial Advisor  
10   that The Tribune is advocating that Rod  
11   Blagojevich be impeached for going around the  
12   legislature and that, quote, "is precisely what  
13   we're doing on Wrigley Field," close quote.

14          Harris said he explained that  
15   information to Tribune Financial Advisor.

16          Now Blagojevich asked whether Tribune  
17   Financial Advisor understood that, quote, "we  
18   are not in a position where we are afford to do  
19   that if The Tribune is pushing impeachment,"  
20   close quote. Rod Blagojevich asked, "They got  
21   that, right?"

22          Harris replied, "Right."

23          Harris suggested to Rod Blagojevich  
24   that Harris explain to Tribune Financial Advisor

1     that the Tribune editorials discussing  
2     impeachment, quote, "could jeopardize our  
3     efforts to do good things for people as well as  
4     the others, helping the Cubs sale at the IFA.

5             Rod Blagojevich responded, "There you  
6     go. He got the message?"

7             Harris replied, quote, "Yeah."

8             Rod Blagojevich stated, "Good."

9             Paragraph 82, on November 21, 2008,  
10     approximately five minutes after the previous  
11     conversation with John Harris, Rod Blagojevich  
12     spoke again with Harris.

13             At the end of this call, Rod  
14     Blagojevich stated that: The Tribune thing is  
15     important if we can get that.

16             Harris replied, "Delicate, very  
17     delicate."

18             Rod Blagojevich said, quote, "I know, I  
19     know. Use your judgment. Don't push too hard,  
20     but you know what you got to do, right?"

21             Harris responded, "All right, sir."

22             I think I have to ask you a question  
23     about Paragraphs 81 and 82. For the last two  
24     paragraphs that I've read, were those paragraphs

1 true and accurate to the best of your knowledge  
2 at the time that you signed this affidavit?

3 A. Yes, sir, they were.

4 Q. Thank you.

5 I would like to shift topics now, if I  
6 could, and move to a set of allegations  
7 regarding the alleged exchange of official acts  
8 for campaign contributions which begins, if I'm  
9 going chronologically, at Paragraph 16. And  
10 I'll try to get the page number for you. Page  
11 9.

12 The heading above Paragraph 16, Section  
13 A states: "Evidence concerning the solicitation  
14 and receipt of campaign contributions in return  
15 for official acts by Rod Blagojevich prior to  
16 October 2008."

17 And the heading under that Subsection  
18 1, "Information provided by Ali Ata."

19 Paragraph 16. As discussed in more  
20 detail in the following paragraphs, Ali Ata  
21 testified under oath in the spring of 2008 that  
22 Ata discussed with Rod Blagojevich a potential  
23 appointment to a high-level position with the  
24 State of Illinois while a \$25,000 donation check

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1 to Friends of Blagojevich from Ata was sitting  
2 on a table in front of Rod Blagojevich.

3 Ata further testified that later, after  
4 Ata made another substantial contribution to  
5 Friends of Blagojevich, Rod Blagojevich told Ata  
6 that he was aware of the donation, that he  
7 understood that Ata would be joining his  
8 administration and that Ata better get a job,  
9 quote, "where Ata can get some money," close  
10 quote.

11 Agent, was Paragraph 16 true and  
12 accurate at the time you executed this  
13 affidavit?

14 A. Yes.

15 Q. Moving to Paragraph 17, Ata is a  
16 businessman who in May 2008 as part of a  
17 cooperation agreement with the government plead  
18 guilty to making false statements to the FBI and  
19 to tax fraud. Pursuant to his cooperation  
20 agreement, the government has interviewed Ata  
21 extensively regarding a number of topics  
22 including his knowledge of and involvement in  
23 fundraising for Rod Blagojevich.

24 In addition, Ata testified under oath

1 at the criminal trial of Antoin Rezko, referred  
2 to as the Rezko trial, in May 2008. Portions of  
3 Ata's testimony are directly relevant to the  
4 current investigation. In summary and in  
5 relevant part, Ata testified as follows during  
6 the Rezko trial.

7 Agent, was Paragraph 17 accurate to the  
8 best of your knowledge at the time you signed  
9 this affidavit?

10 A. Yes, it was.

11 Q. Paragraph 18. In or about 2000 or  
12 2001, at a meeting with Ata, Rod Blagojevich,  
13 who at the time was a member of the United  
14 States House of Representatives, told Ata that  
15 he was contemplating a run for higher office and  
16 asked for Ata's support. Ata agreed to support  
17 him.

18 Thereafter, Ata observed that Rezko was  
19 close to Rod Blagojevich and was very involved  
20 in fundraising for Rod Blagojevich's campaign,  
21 including overseeing Ata's own fundraising  
22 efforts on behalf of Rod Blagojevich.

23 Agent, was Paragraph 18 true at the  
24 time you signed this affidavit to the best of

1 your knowledge?

2 A. Yes.

3 Q. Paragraph 19. In or about 2002, Ata  
4 had several conversations with Rezko regarding  
5 the possibility of a high-level appointment for  
6 Ata in state government should Rod Blagojevich  
7 be elected. At Rezko's direction, Ata put  
8 together a list of three state agencies to which  
9 he would be interested in being appointed,  
10 including the Capital Development Board.

11 Agent, was that paragraph true to the  
12 best of your knowledge at the time you signed  
13 this affidavit?

14 A. Yes.

15 Q. Paragraph 20. In or about August 2002,  
16 Ata held a small fundraising event for Rod  
17 Blagojevich that Rod Blagojevich attended. In  
18 advance of that fundraising event, Ata committed  
19 to Rezko that Ata would raise \$25,000 at that  
20 event, which he eventually did, personally  
21 contributing at least 5,000.

22 Was that paragraph true at the time you  
23 executed this affidavit to the best of your  
24 knowledge, sir?

1           A.    Yes, it was.

2           Q.    Paragraph 21.  I'm sorry.  And Page 11  
3   is where we are at this point.  I apologize.

4                   Later that year, Rezko approached Ata  
5   for additional monetary support for Rod  
6   Blagojevich.  Ata agreed to contribute \$25,000  
7   in additional monies to the campaign of Rod  
8   Blagojevich.

9                   Ata subsequently and by prior  
10   arrangement with Rezko brought a check in this  
11   amount to Rezko's offices on North Elston Avenue  
12   in Chicago.  After he arrived at Rezko's  
13   offices, Ata was greeted by Rezko to whom he  
14   handed the check in an envelope.  Rezko,  
15   carrying the check, ushered Ata into a  
16   conference room where he met with Rezko and Rod  
17   Blagojevich.

18                  Rezko placed the envelope containing  
19   Ata's \$25,000 check to Rod Blagojevich's  
20   campaign on the conference room table between  
21   himself and Rod Blagojevich and stated to Rod  
22   Blagojevich that Ata had been a good supporter,  
23   a team player and that Ata would be willing to  
24   join Rod Blagojevich's administration.



1           Rod Blagojevich expressed his pleasure  
2   and acknowledged that Ata had been a good  
3   supporter and good friend. Rod Blagojevich in  
4   Ata's presence asked Rezko if Rezko had talked  
5   to Ata about positions in the administration,  
6   and Rezko responded that he had.

7           Agent, was Paragraph 21 true and  
8   accurate at the time you executed this  
9   affidavit?

10          A. Yes, sir.

11          Q. Taking you to Paragraph 22, Page 12,  
12   after this meeting, Ata completed an application  
13   for a state appointment. In or about early  
14   2003, Rezko informed Ata that he was going to be  
15   appointed to head the State Capital Development  
16   Board.

17               Rezko subsequently informed Ata that  
18   this position was going to someone else and that  
19   another position would have to be found for Ata.  
20   Later, Rezko discussed an opportunity for Ata  
21   with the newly-formed Illinois Finance  
22   Authority.

23           Agent Cain, was Paragraph 22 true and  
24   accurate to the best of your knowledge at the

1 time that you signed this affidavit?

2 A. Yes, it was.

3 Q. Paragraph 23, same page. In or about  
4 July of 2003, Rezko asked Ata to make an  
5 additional \$50,000 contribution to the campaign  
6 of Rod Blagojevich. Ata agreed to contribute  
7 the same amount as he had previously, namely  
8 \$25,000.

9 Ata made this contribution on or about  
10 July 25th, 2003 by check payable to Rod  
11 Blagojevich's campaign. Ata gave this check to  
12 Rezko.

13 Thereafter, Ata had a conversation with  
14 Rod Blagojevich at a large fundraising event at  
15 Navy Pier. During this conversation, Rod  
16 Blagojevich told Ata that Ata had been a good  
17 supporter and indicated that Rod Blagojevich was  
18 aware that Ata had made another substantial  
19 donation to Rod Blagojevich's campaign and told  
20 Ata that he understood that Ata would be joining  
21 his administration.

22 Ata responded that he was considering  
23 taking a position, and Rod Blagojevich stated  
24 that it had better be a job where Ata could make

1     some money.

2                 Was Paragraph 23 true and accurate to  
3     the best of your knowledge at the time that you  
4     signed this affidavit, sir?

5             A.    Yes.

6             Q.    Paragraph 24 on Page 13.  Ata was  
7     surprised by this comment by Rod Blagojevich and  
8     said something to Rezko about it the next time  
9     Ata saw Rezko.

10                When Ata told Rezko that Rod  
11    Blagojevich had said words to the effect of it  
12    had better be a job where you can make some  
13    money, Rezko responded that he was not surprised  
14    and had heard Rod Blagojevich say things like  
15    that before.

16                Was this paragraph true to the best of  
17    your knowledge and belief at the time you signed  
18    the affidavit, sir?

19             A.    Yes, it was.

20             Q.    Thank you.

21                I am now going to move to the next  
22    heading that is listed in this affidavit, which  
23    is Information provided by Joseph Cari.  Again,  
24    we are on Page 13.  I'm going to begin with

1 Paragraph 25.

2 As described in further detail in the  
3 following paragraphs, Joseph Cari testified  
4 under oath at the Rezko trial on April 15 and  
5 16, 2008.

6 Among other things, Cari testified that  
7 he had a conversation with Rod Blagojevich in  
8 which Rod Blagojevich informed Cari that Rod  
9 Blagojevich could use his power to award State  
10 of Illinois contracts in order to generate  
11 campaign contributions.

12 Cari further testified that he had  
13 similar conversations with Rezko and Chris Kelly  
14 who specifically offered him State of Illinois  
15 work in exchange for Cari's assistance with  
16 various fundraising matters.

17 In summary and in relevant part, Cari  
18 testified as follows during the Rezko trial.

19 Was Paragraph 25 accurate to the best  
20 of your knowledge at the time that you signed  
21 this affidavit, Mr. Cain?

22 A. Yes, it was.

23 Q. Moving to Paragraph 26, Page 14, Cari  
24 was a significant fundraiser for Democratic

1 causes and was previously the National Finance  
2 Chair for Vice President Al Gore's 2000  
3 presidential campaign.

4           During his testimony, Cari described  
5 meetings that he had with Rod Blagojevich, Chris  
6 Kelly, Rezko and Stuart Levine. In particular,  
7 on approximately October 29th, 2003, Cari, Rod  
8 Blagojevich, Kelly, Levine and others rode on an  
9 airplane arranged by Levine to a fundraiser in  
10 New York being hosted by Cari on behalf of Rod  
11 Blagojevich.

12           During the plane ride, Cari had a  
13 conversation with Rod Blagojevich. During the  
14 conversation, Cari and Rod Blagojevich discussed  
15 Cari's fundraising background and work as a  
16 national fundraiser.

17           Rod Blagojevich discussed his interest  
18 in running for President of the United States.  
19 During the conversation, Rod Blagojevich  
20 informed Cari that it was easier for governors  
21 to solicit campaign contributions because  
22 governors had the ability to, quote, "award  
23 contracts," close quote, and give legal work,  
24 consulting work and investment banking work to

1 campaign contributors.

2 Rod Blagojevich informed Cari that  
3 Rezko and Kelly were his point people in raising  
4 campaign contributions.

5 Later in the conversation, Rod  
6 Blagojevich told Cari that there were State of  
7 Illinois contracts and other State of Illinois  
8 work that could be given to contributors who  
9 helped Rod Blagojevich, Rezko and Kelly.

10 Cari testified that Rod Blagojevich  
11 ended the conversation with Cari by informing  
12 Cari that Rezko and Kelly would follow up with  
13 Cari in relation to the discussion that had just  
14 occurred.

15 Agent, was the paragraph I just read  
16 true and accurate to the best of your knowledge  
17 and belief at the time you signed this  
18 affidavit?

19 A. Yes.

20 Q. Turning to Paragraph 27 on Page 15. At  
21 one point during the October 29, 2003 New York  
22 fundraiser, Cari and Levine had a conversation.  
23 Cari testified that during the conversation,  
24 Levine informed Cari that there was a plan in

1 place in the Blagojevich administration pursuant  
2 to which Rezko and Kelly would pick consultants  
3 to do business with State of Illinois boards,  
4 and thereafter, the consultants would be asked  
5 to make campaign contributions.

6 Was that paragraph true to the best of  
7 your knowledge at the time that you signed this  
8 affidavit, sir?

9 A. Yes, it was.

10 Q. Paragraph 28. Cari also testified  
11 about a conversation -- I'm sorry. Paragraph 28  
12 is on Page 15.

13 Cari also testified about a  
14 conversation he had with Rezko at Rezko's  
15 office. Levine was also present for the  
16 conversation. According to Cari, Rezko informed  
17 Cari that Rezko had a close relationship with  
18 the Blagojevich administration and Rezko had a  
19 role in picking consultants and law firms and  
20 other entities to get State of Illinois  
21 business.

22 Rezko informed Cari that Rezko called  
23 Rod Blagojevich's chief of staff, Lon Monk, and  
24 Monk would help implement Rezko's choices for

1 certain State of Illinois work. Rezko informed  
2 Cari that in exchange for raising money for Rod  
3 Blagojevich, the Blagojevich administration  
4 would be financially helpful to Cari's business  
5 interests.

6 Agent Cain, was Paragraph 28 true and  
7 accurate to the best of your knowledge at the  
8 time you signed this affidavit?

9 A. Yes.

10 Q. Turning to Paragraph 29, Page 15, On  
11 approximately March 5, 2004, Cari met with Kelly  
12 in a restaurant. Cari testified that Kelly  
13 stated that Kelly was following up on Cari's  
14 conversations with Rod Blagojevich, Rezko and  
15 Levine.

16 Kelly then requested Cari's help in  
17 raising money on a national level for Rod  
18 Blagojevich.

19 Cari, as he had in the past, indicated  
20 he was not inclined to assist Rod Blagojevich.  
21 In response, Kelly pushed Cari to assist Rod  
22 Blagojevich and informed Cari that helping Rod  
23 Blagojevich would be good for Cari's business  
24 interests and that Cari, quote, "could have



1    whatever Cari wanted," close quote, which Cari  
2    understood to be a reference to getting Cari's  
3    business interests whatever State of Illinois  
4    work Cari wanted if Cari helped to raise money  
5    on a national level for Rod Blagojevich. The  
6    conversation ended shortly thereafter.

7               Agent Cain, was Paragraph 29 true and  
8    accurate at the time that you signed this  
9    affidavit to the best of your knowledge?

10       A.    Yes, it was.

11       Q.    And finally, Paragraph 30, Page 16,  
12    Cari testified that he eventually became  
13    involved in the attempted extortion of JER, a  
14    real estate investment firm that was seeking an  
15    investment from the Teachers' Retirement System,  
16    TRS.

17               Details regarding corruption at TRS  
18    involving one of its board members, Stuart  
19    Levine, are set forth below.

20               Based on his conversations with Rod  
21    Blagojevich, Rezko, Kelly and Levine in which he  
22    was informed that consultants would be inserted  
23    into State of Illinois transactions and then  
24    solicited for campaign contributions, Cari

1 believed that JER needed to hire a consultant.

2 Cari testified that he informed  
3 employees of JER that they needed to hire a  
4 consultant and that in Illinois, quote, the  
5 Governor and the people around the Governor,  
6 quote, pick the consultants to be used on  
7 particular deals.

8 Cari informed JER employees that if  
9 they did not hire the consultant, then JER would  
10 not receive the money it was seeking from the  
11 State of Illinois.

12 Ultimately, JER exposed the attempted  
13 extortion and received money from the State of  
14 Illinois.

15 Agent Cain, was Paragraph 30 true and  
16 accurate to the best of your knowledge at the  
17 time you signed this affidavit?

18 A. Yes.

19 Q. I would like to move to Paragraph 35,  
20 if I could, which deals with allegations related  
21 to the Health Facilities Planning Board, and  
22 that would be found on Page 19 for the Members.

23 Paragraph 35. As described more fully  
24 in the following paragraphs, Mercy Hospital,

1    which sought permission from the Planning Board  
2    to build a hospital in Illinois received that  
3    permission through Rezko's exercise of his  
4    influence at the Planning Board after Rezko was  
5    promised that Mercy Hospital would make a  
6    substantial campaign contribution to Rod  
7    Blagojevich.

8               Rezko later told a member of the  
9    Planning Board that Mercy Hospital received the  
10   permit because Rod Blagojevich wanted the  
11   organization to receive the permit.

12              Agent, was that Paragraph 35 true and  
13   accurate to the best of your knowledge?

14       A.    Yes, it was.

15       Q.    Paragraph 36.  This is also on Page 19.  
16   Levine's criminal activities included his abuse  
17   of his position on the planning board to enrich  
18   both himself and Friends of Blagojevich.

19              The Planning Board was a commission of  
20   the State of Illinois established by statute  
21   whose members were appointed by the Governor of  
22   the State of Illinois.

23              At the relevant time period, the  
24   Planning Board consisted of nine individuals.

1 State law required an entity seeking to build a  
2 hospital, medical office building or other  
3 medical facility to obtain a permit, which is  
4 known as a Certificate of Need or CON, from the  
5 Planning Board prior to beginning construction.

6 Agent, was Paragraph 36 true and  
7 accurate to the best of your knowledge at the  
8 time you executed this affidavit?

9 A. Yes.

10 Q. Moving to Paragraph 37 on Page 20,  
11 Levine as well as Planning Board members Thomas  
12 Beck and Imad Almanaseer testified under oath at  
13 the Rezko trial.

14 Beck testified that he asked Rezko to  
15 re-appoint him to the Planning Board and that  
16 Beck thereafter followed Rezko's directions  
17 regarding which CON applications Rezko wanted  
18 approved.

19 Beck testified that it was his job to  
20 communicate Rezko's interests in particular CONs  
21 to other members of the Planning Board,  
22 including Almanaseer, who were loyal to Rezko.

23 Beck testified that he understood that  
24 Rezko spoke for the Blagojevich administration

1     when Rezko spoke to Beck about particular CONs.

2             Almanaseer testified that Beck  
3     instructed him that Rezko wanted Almanaseer to  
4     vote a particular way and that Almanaseer should  
5     follow the Levine's lead in voting on CONs.

6             Almanaseer testified that before  
7     certain Planning Board meetings, he received  
8     note cards from Beck indicating how to vote on  
9     certain CON applications.

10            Beck testified he provided these note  
11    cards to Almanaseer and certain other members of  
12    the Planning Board to communicate Rezko's  
13    directions about certain CON applications.

14            Rezko has admitted that he manipulated  
15    the Mercy vote based on Mercy's agreement to  
16    make a contribution to Rod Blagojevich, which  
17    agreement he states was communicated to Rod  
18    Blagojevich, but he denies that Levine offered a  
19    personal bribe to Rezko as well.

20            In connection with this investigation,  
21    Steven Loren plead guilty to interfering with  
22    the due administration of the Internal Revenue  
23    Service. In exchange for his continued and  
24    truthful cooperation, the government has agree

1 to move the Court for a 5K1.1 departure and his  
2 counsel is seek any sentence, including  
3 probation.

4 Loren has no other criminal history.  
5 Pursuant to his cooperation agreement, Loren  
6 testified at the Rezko trial.

7 Agent, was Paragraph 37 true and  
8 accurate at the time you signed this affidavit?

9 A. Yes, it was, and I believe your last  
10 references were to Footnotes 10 and 11 --

11 Q. I apologize.

12 A. -- application?

13 Q. Yes, you are correct.

14 A. And those are also true and accurate to  
15 the best of knowledge and belief.

16 Q. Thank you for that clarification, sir.

17 Paragraph 38 on Page 21, during his  
18 testimony, Levine described a plan to manipulate  
19 the Planning Board to enrich himself and Friends  
20 of Blagojevich. The plan centered on an entity  
21 commonly known as Mercy Hospital or Mercy that  
22 was attempting to obtain a CON to build a new  
23 hospital in Illinois.

24 Levine knew the contractor hired to

1     help build the hospital. In approximately  
2     November 2003, on behalf of the contractor,  
3     Levine checked with Rezko to determine whether  
4     Rezko wanted Mercy to obtain that CON.

5             Rezko informed Levine that Mercy was  
6     not going to receive its CON. According to  
7     Levine, he asked Rezko whether it would matter  
8     to Rezko if Mercy's construction contractor paid  
9     a bribe to Rezko and Levine and in addition made  
10    a contribution to Rod Blagojevich.

11            Levine testified that Rezko indicated  
12    that such an arrangement would change his view  
13    on the Mercy CON.

14            And I guess that is where I should have  
15    been talking about Footnote 10, which I will  
16    read again in context.

17            Rezko -- this is Footnote 10 to that  
18    paragraph -- Rezko has admitted that he  
19    manipulated the Mercy vote based on Mercy's  
20    agreement to make a contribution to Rod  
21    Blagojevich which agreement he states was  
22    communicated to Rod Blagojevich but denies that  
23    Levine offered a personal bribe to Rezko as  
24    well.

1           Agent, was Paragraph 38 and the  
2   footnote a true and accurate to the best of your  
3   knowledge at the time that you signed this  
4   affidavit?

5           A.   Yes, it was.

6           Q.   Turn to Paragraph 39.

7           CHIEF JUSTICE FITZGERALD:  Mr. Ellis,  
8   you have a good deal left on your direct  
9   examination, don't you, sir?

10          HOUSE PROSECUTOR ELLIS:  Your Honor,  
11   I think I have three paragraphs on this topic.  
12   If you're looking for a break, that might make  
13   sense.

14          CHIEF JUSTICE FITZGERALD:  Sure.  Go  
15   ahead and finish that topic.

16          HOUSE PROSECUTOR ELLIS:  I sure will.  
17   Thank you, sir.

18          CHIEF JUSTICE FITZGERALD:  Let me know  
19   when you believe you're at a good break point.

20          HOUSE PROSECUTOR ELLIS:  That will just  
21   be a few moments.

22          CHIEF JUSTICE FITZGERALD:  Thank you.

23          HOUSE PROSECUTOR ELLIS:  Thank you.

24



1 BY HOUSE PROSECUTOR ELLIS:

2 Q. Agent, Paragraph 39, Levine's testimony  
3 regarding Rezko's actions to change the Planning  
4 Board decision concerning Mercy's application  
5 for are a CON based on contributions for Rod  
6 Blagojevich is confirmed by Attorney Steven  
7 Loren. Loren testified at Rezko's criminal  
8 trial and before that in the grand jury.

9 According to Loren in approximately  
10 December 2003, Levine informed Loren that Rezko  
11 was against the Mercy CON. According to Loren,  
12 Levine relayed to Loren a conversation between  
13 Rezko and Levine during which Levine asked Rezko  
14 whether a political contribution to Rod  
15 Blagojevich would make a difference for Mercy's  
16 CON, and Rezko responded to Levine that such a  
17 contribution might make a difference.

18 And then we have that Footnote 11 which  
19 we talked about earlier.

20 Agent, was Paragraph 39 true and  
21 accurate to the best of your knowledge at the  
22 time you executed this affidavit?

23 A. Yes, it was.

24 Q. Thank you.

1           Two more paragraphs on this topic.

2           40. Thereafter and confirmed by the  
3   testimony of Levine, Beck and Almanaseer as well  
4   as recorded conversations, Rezko switched his  
5   directions to Beck and informed Beck that Mercy  
6   was to receive its CON.

7           According to Almanaseer, although he  
8   previously had been told by Beck that Rezko did  
9   not want Mercy to receive its CON, he was later  
10   told that there had been a change and that Rezko  
11   now wanted Mercy to receive that CON.

12           Agent, is paragraph -- was Paragraph 40  
13   true and accurate at the time you signed this  
14   affidavit?

15         A.   Yes.

16         Q.   Paragraph 41, and we are on Page 22.  
17   Mercy received its CON as a result of a  
18   controversial and irregular vote at a public  
19   Planning Board meeting. The vote brought  
20   significant publicity to the Planning Board and  
21   ultimately led to the disbanding of the Planning  
22   Board.

23           Almanaseer testified under oath in the  
24   grand jury that not long after the Planning

1 Board vote on Mercy's CON, he saw Rezko at a  
2 fundraiser. According to Almanaseer, he was  
3 still embarrassed about what had occurred at the  
4 Planning Board vote on Mercy's CON and Rezko's  
5 role in the vote.

6 Almanaseer testified that he asked  
7 Rezko why Rezko had switched the vote on the  
8 Mercy CON. According to Almanaseer, Rezko  
9 stated the Governor wanted it to pass.  
10 Almanaseer understood the reference to Governor  
11 to be a reference to Rod Blagojevich.

12 And Footnote 12 to that paragraph,  
13 There was extensive testimony regarding the  
14 irregularity of the vote at the Planning Board  
15 meeting. In summary, during the vote, Levine  
16 got up from his seat and went to speak to Beck  
17 and Almanaseer. After these discussions,  
18 Almanaseer then changed his vote to be in favor  
19 of Mercy receiving its CON. Beck then voted in  
20 favor as well, and by a vote of five to four,  
21 Mercy's application for its CON passed.

22 Was that paragraph true and accurate to  
23 the best of your knowledge and belief, sir?

24 A. Yes, it was.

1           HOUSE PROSECUTOR ELLIS: Your Honor,  
2   that would complete a subject matter. We have  
3   only a few brief topics left, certainly somewhat  
4   lengthy. I think this would be a good time to  
5   take a break. That would make some sense.

6           CHIEF JUSTICE FITZGERALD: At this  
7   time, the Senate will stand in recess until  
8   1:15. Every effort will be made to be back at  
9   precisely that time. Senate is recessed.

10                   (Whereupon, a luncheon break was  
11                   taken.)

12           CHIEF JUSTICE FITZGERALD: Senate will  
13   come to order.

14           Mr. Ellis, are you ready to proceed?

15           HOUSE PROSECUTOR ELLIS: Yes, I am,  
16   your Honor. Thank you very much.

17           Before we get to our last topics,  
18   I would like to address one issue.

19           Both Senator Haine and Senator Hendon  
20   yesterday asked me about evidence that would  
21   be I guess could we say favorable to the  
22   Governor. I think the word was "exculpatory."  
23   I would prefer not to use that word particularly  
24   because that's a legal term of art but certainly

1 any evidence that would be viewed as favorable  
2 to the Governor.

3 And I did commit to him at that time,  
4 both of those senators, that I would try to  
5 point those things out. Certainly with regard  
6 to Ali Ata and Joseph Cari, for example, we have  
7 included not just their direct testimony at  
8 trial but their cross-examination.

9 With regard to this affidavit, there  
10 are a few places in here that I think one could  
11 argue there is information favorable to the  
12 Governor. I'm going to go to those paragraphs  
13 now.

14 And I just want to make clear, I'm not  
15 going to ask Agent Cain or Mr. Walsh from the  
16 U.S. Attorney's Office to make any  
17 characterization of these. It's my  
18 characterization, mine, that these are probably  
19 favorable to the Governor. I don't want  
20 Mr. Cain or anyone else commenting on the  
21 evidence.

22 So all I will ask Mr. Cain is the same  
23 question I've been asking: Was this information  
24 truthful at the time you signed the affidavit.

1 BY HOUSE PROSECUTOR ELLIS:

2 Q. First I would like to turn to Page 11,  
3 and this is Paragraph 21. And we are at  
4 Footnote 4. For context, this is where we are  
5 talking about Mr. Ata and the fact that he was  
6 asked for additional money from Tony Rezko  
7 before he got his appointment at the IFA. I'm  
8 going to read to you now Footnote 4, Page 11,  
9 Paragraph 21, Footnote 4.

10 Rezko whose reliability has yet to be  
11 fully determined has confirmed to the government  
12 in proffer sessions the essence of Ata's  
13 testimony regarding Ata's meeting with Rod  
14 Blagojevich but has a different recollection  
15 regarding the timing and chronology of certain  
16 events and only recalls asking Ata for one  
17 \$25,000 check for Rod Blagojevich.

18 Rezko's proffers have been substantial  
19 but are not complete, and the government's  
20 efforts to fact check and corroborate Rezko's  
21 proffered information are not yet complete.

22 Rezko has proffered with the government  
23 in hopes of receiving a recommendation from the  
24 government for a reduced sentence.

1           During the proffer sessions, Rezeko at  
2   times has provided accounts that differ from  
3   those of other witnesses, including Ata, but in  
4   broad terms, Rezeko's account incriminates Rod  
5   Blagojevich in a pay-to-play criminal scheme.

6           Because the government is not yet  
7   satisfied that Rezeko's accounts are full and  
8   complete, the government is not relying on  
9   Rezeko's account for probable cause. The  
10   government simply notes that while Rezeko's  
11   accounts varies at times from those of other  
12   witnesses.

13           Rezeko's account of Rod Blagojevich's  
14   activity on balance would add to the probable  
15   cause set forth herein, not subtract.

16           Where Rezeko's proffered recollection  
17   differs significantly from those of witnesses  
18   upon whose testimony the government is relying,  
19   this affidavit notes those differences.

20           Agent Cain, again, without  
21   characterizing this at all, is this Footnote  
22   4 -- was this Footnote 4 true and accurate to  
23   the best of your knowledge at the time you  
24   signed this affidavit?

1           A.    Yes, it was.

2           Q.    I'd next like to turn to Paragraph 58  
3   on Pages 30 and 31, I believe.

4           CHIEF JUSTICE FITZGERALD:  Is this  
5   further favorable evidence?

6           HOUSE PROSECUTOR ELLIS:  Yes, sir.  I'm  
7   still on that your Honor.

8           I've got four paragraphs I want to  
9   reference.  Two of them I've already read so  
10  I'll just merge them.  This is the only other  
11  one I have not read, sir.  Thank you for that  
12  clarification.

13  BY HOUSE PROSECUTOR ELLIS:

14          Q.    So Paragraph 58, Page 31, Footnote 15,  
15  now -- I'm sorry.  Page 31 if I didn't say that.

16          Now, this is an area that we did not  
17  cover dealing with Stuart Levine, but -- we did  
18  not present this evidence, but I just want to  
19  note that this affidavit does point things out  
20  when necessary.

21          Footnote 15.  Rezko has proffered that  
22  it was Kelly who informed Rod Blagojevich about  
23  the circumstances of Rosenberg's Capri  
24  allocation.  As described below, numerous phone



1 conversations have been intercepted in which Rod  
2 Blagojevich engages in ongoing criminal conduct.  
3 During certain of these conversations, including  
4 those of a clear criminal nature, Rod  
5 Blagojevich denies his involvement in illegal  
6 activity, including involvement in a legal  
7 activity with Rezko or in relation to the Capri  
8 transaction.

9 Agent Cain, was that Footnote 15 true  
10 and accurate to the best of your knowledge at  
11 the time you signed this affidavit?

12 A. Yes, sir.

13 Q. Thank you.

14 HOUSE PROSECUTOR ELLIS: I would just  
15 point to two other paragraphs, and I've already  
16 read them. I won't waste anybody's time by  
17 reading them again, but I would note that at  
18 Page 71, Paragraph 115 -- that's a very long  
19 paragraph, but I'm really referring to the  
20 second sentence that is at the bottom of Page  
21 71, and it says: In these conversations, he has  
22 repeatedly -- he being the Governor -- has  
23 repeatedly discussed the attributes of potential  
24 candidates including, among other things, the

1 candidates' ability to benefit the State of  
2 Illinois. So these are conversations that he is  
3 having about the Senate seat.

4 I think that could at least be  
5 considered favorable to the Governor.

6 Finally, on Page 55, Paragraph 88,  
7 this, again, is something we already read. And  
8 I would direct your attention -- it's a very  
9 long sentence but the fourth line from the  
10 bottom is where we talk about there were some  
11 conversations not included where the Governor  
12 discusses considerations for the Senate seat  
13 other than financial gain for Rod Blagojevich  
14 and his family.

15 I appreciate your Honor's indulgence.  
16 That's just a little house cleaning I wanted to  
17 do. I wanted to make sure we pointed out as  
18 much as we could after making the commitment to  
19 Senators Haine and Hendon.

20 BY HOUSE PROSECUTOR ELLIS:

21 Q. Now I would like to move to the final  
22 area that we're going to be covering with you,  
23 Agent Cain.

24 We just finished before the break

1 talking about Ali Ata and Joseph Cari and the  
2 Health Facilities Planning Board, and that is  
3 all under a category that you listed in the  
4 affidavit as efforts to obtain campaign  
5 contributions in exchange for official acts.

6 Turning your attention now to  
7 Paragraph 59 of the affidavit which is found on  
8 Page 31, you are now talking here in B 1,  
9 Evidence concerning efforts to obtain campaign  
10 contributions in exchange for official acts, but  
11 as noted above that, this is for activities  
12 after October 2008. So these will be the  
13 activities that will be captured by federal  
14 wiretaps and intercepted conversations.

15 Turning your attention, Agent Cain and  
16 the Members, to Page 31, Paragraph 59, since  
17 October 2008, the FBI has conducted multiple  
18 interviews with Individual A who is an associate  
19 of Rod Blagojevich and has assisted in campaign  
20 fundraising for Rod Blagojevich.

21 Individual A has advised agents that he  
22 or she has been present for and participated in  
23 multiple conversations with Rod Blagojevich in  
24 recent months regarding campaign fundraising.

1           According to Individual A, Rod  
2 Blagojevich and Fundraiser A who is the chairman  
3 of Friends of Blagojevich are making a strong  
4 push to raise campaign funds before a new state  
5 ethics law goes into effect on January 1, 2009  
6 that will prohibit any individual or entity with  
7 existing state contracts of more than \$50,000  
8 from contributing to entities like Friends of  
9 Blagojevich.

10           Agent Cain, was that paragraph true and  
11 accurate to the best of your knowledge when you  
12 signed this affidavit?

13           A.    Yes, it was.

14           Q.    Going to Paragraph 60 on Page 32, in  
15 response to questions posed by agents,  
16 Individual A has described efforts by Rod  
17 Blagojevich and Fundraiser A to obtain campaign  
18 contributions from state contractors by the end  
19 of the year. Specifically, Individual A advised  
20 that Rod Blagojevich is seeking a total of  
21 approximately \$2.5 million in campaign  
22 contributions by the end of the year  
23 principally from or through individuals  
24 identified on a list maintained by Friends of

1 Blagojevich.

2 The FBI has obtained a copy of that  
3 list which identifies individuals and entities  
4 targeted for campaign contributions as well as  
5 the amounts sought from those individuals and  
6 entities.

7 A comparison of the names and entities  
8 on that list with information available from  
9 public sources and FBI investigator files  
10 reflects that numerous of the individuals and  
11 entities on that list have state contracts or  
12 have received public benefits conferred by Rod  
13 Blagojevich such as appointments to positions in  
14 state government.

15 Agent Cain, was Paragraph 60 true and  
16 accurate to the best of your knowledge at the  
17 time you executed this affidavit?

18 A. Yes.

19 Q. I'm now going to turn to the  
20 allegations -- we have to turn around a bit  
21 here -- relating to the tollway project.  
22 Paragraph 63 on Page 33 is where we'll begin.

23 According to Individual A, after  
24 Individual B had left a meeting on October 6,

1 2008, Rod Blagojevich told Individual A that he  
2 was going to make an upcoming announcement  
3 concerning a \$1.8 billion project involving the  
4 Tollway Authority.

5 Rod Blagojevich told Individual A that  
6 Lobbyist 1 was going to approach Highway  
7 Contractor 1 to ask for \$500,000 for Friends of  
8 Blagojevich. Rod Blagojevich told Individual A  
9 that, quote, I could have made a larger  
10 announcement but wanted to see how they  
11 performed by the end of the year. If they don't  
12 perform, blank them, close quote.

13 According to Individual A, he or she  
14 believed that Rod Blagojevich was telling  
15 Individual A that Rod Blagojevich expected  
16 Highway Contractor 1 to raise \$500,000 in  
17 contributions to Friends of Blagojevich and that  
18 Rod Blagojevich is willing to commit additional  
19 state money to the tollway project but is  
20 waiting to see how much money Highway Contractor  
21 raises for Friends of Blagojevich.

22 Agent Cain, was Paragraph 63 true and  
23 accurate to the best of your knowledge at the  
24 time you executed this affidavit?

1           A.    Yes, it was.

2           Q.    Moving to Paragraph 64 on Page 34, a  
3   search of public information available on the  
4   Internet reflects that Highway Contractor 1 is  
5   an officer of a company that is a large supplier  
6   of concrete in the State of Illinois.

7                   The search also reflected that Highway  
8   Contractor 1 is active in one of the largest  
9   trade associations, the American Concrete  
10   Pavement Association, in the road building  
11   industry in the State of Illinois.

12                   In addition, I am aware from public  
13   sources that on October 15th, 2008, Rod  
14   Blagojevich announced a plan to have new express  
15   lanes built on the Illinois Tollway in the next  
16   few years at a cost of \$1.8 billion.

17                   Agent Cain, was Paragraph 64 true and  
18   accurate to the best of your knowledge at the  
19   time you executed this affidavit?

20           A.    Yes.

21           Q.    I'm now going to jump to Paragraph 67  
22   which includes 67 A, Page 35.

23                   On October 22nd, 2008, the FBI  
24   intercepted pursuant to a court order portions

1 of a meeting held in a conference room at the  
2 Friends of Blagojevich's office. The meeting  
3 was attended by Rod Blagojevich, Fundraiser A  
4 and two lobbyists actively involved in  
5 fundraising for Friends of Blagojevich.

6 FBI special agents have listened to a  
7 recording of the meeting. The voices on the  
8 recording are very low and at times are  
9 difficult to hear. However, based on a review  
10 of the recording, FBI agents were able to  
11 determine the following: At approximately 10:15  
12 a.m. and consistent with phone records, Rod  
13 Blagojevich called Highway Contractor 1. Only  
14 Rod Blagojevich's portion of the phone call can  
15 be heard.

16 The call started with Rod Blagojevich  
17 saying "Hello" to Mr. Highway Contractor and  
18 noting that Rod Blagojevich was excited about  
19 the, quote, tollway, believed to be a reference  
20 to Rod Blagojevich's recent announcement of  
21 \$1.8 billion in Illinois Tollway funding that  
22 will benefit Highway Contractor 1 and the trade  
23 association with which he is affiliated.

24 Rod Blagojevich talked about speaking



1 with Individual C. Individual C is a former  
2 member of the U.S. House of Representatives who  
3 is believed to be attempting to assist Rod  
4 Blagojevich in passing a capital program worth  
5 billions of dollars that would benefit Highway  
6 Contractor 1 and the trade association with  
7 which he is affiliated and began in the context  
8 of asking Highway Contractor 1 to do  
9 fundraising, to discuss fundraising rule changes  
10 that will take effect on January 1, 2009.

11 The conversation ended with Rod  
12 Blagojevich stating to Highway Contractor 1,  
13 "Call me if you need anything."

14 Agent Cain, was that paragraph true and  
15 accurate at the time you executed your affidavit  
16 to the best of your knowledge?

17 A. Yes, it was.

18 Q. Thank you.

19 I'd now like to discuss the topic of  
20 pediatric care reimbursements, and I'm going to  
21 direct the Senate's and your attention,  
22 Mr. Cain, to Paragraph 65 on Page 34. And I  
23 told you we'd have to jump around just a bit.

24 Paragraph 65: According to Individual

1 A, on October 8, 2008, during a discussion of  
2 fundraising from various individuals and  
3 entities, the discussion turned to Children's  
4 Memorial Hospital, and Rod Blagojevich told  
5 Individual A words to the effect of, quote, "I'm  
6 going to do 8 million for them. I want to get  
7 Hospital Executive 1 for 50."

8 Individual A understood this to be a  
9 reference to a desire to obtain a \$50,000  
10 campaign contribution from Hospital Executive 1,  
11 the Chief Executor Officer of Children's  
12 Memorial Hospital.

13 Individual A said that he or she  
14 understood Rod Blagojevich's reference to  
15 8 million to relate to his recent commitment to  
16 obtain for Children's Memorial Hospital  
17 \$8 million in state funds through some type of  
18 pediatric care reimbursement.

19 As described in further detail below,  
20 intercepted phone conversations between Rod  
21 Blagojevich and others indicate that Rod  
22 Blagojevich is contemplating rescinding his  
23 commitment of state funds to benefit Children's  
24 Memorial Hospital because Hospital Executive 1

1 has not made a recent campaign contribution to  
2 Rod Blagojevich.

3 I'm now going to ask everyone to jump  
4 to Paragraph 68 -- oh, I'm sorry.

5 Mr. Cain, the paragraph that I just  
6 read to you, sir, was that paragraph true and  
7 accurate to the best of your knowledge at the  
8 time you executed the affidavit?

9 A. Yes.

10 Q. Thank you.

11 I'm now going to ask the members to  
12 turn to Page 37 which is Paragraph 68, Subpart  
13 A. Page 37, little A.

14 On the morning of November 12, 2008,  
15 Rod Blagojevich talked to Fundraiser A. During  
16 the course of the conversation which principally  
17 concerned the status of campaign fundraising  
18 efforts, Fundraiser A told Rod Blagojevich that  
19 Fundraiser A had never heard from Hospital  
20 Executive 1. Fundraiser A said, quote, "I've  
21 left three messages there so I'm going to quit  
22 calling. I feel stupid now," close quote.

23 Rod Blagojevich asked when the most  
24 recent call was, and Fundraiser A replied that

1 it was two days ago.

2 Rod Blagojevich said that, quote, "If  
3 they don't get back to you, then last resort is  
4 I'll call."

5 That portion of the Paragraph 68 A that  
6 I just read to you, Agent Cain, was that portion  
7 true and accurate to the best of your knowledge  
8 at the time you signed this affidavit?

9 A. Yes, it was.

10 Q. I'm going to go to 68 B now, staying on  
11 the date of November 12th but later that day.  
12 Later on November 12, 2008, at approximately  
13 2:14 p.m., Rod Blagojevich spoke with Deputy  
14 Governor A, a Deputy Governor of the State of  
15 Illinois. The following exchange began that  
16 conversation.

17 Rod Blagojevich: The pediatric  
18 doctors, the reimbursement, has that gone out  
19 yet, or is that still on hold?

20 Deputy Governor A: The rate increase?

21 Rod Blagojevich: Yeah.

22 Deputy Governor A: It's January 1.

23 Rod Blagojevich: And we have total  
24 discretion over it?

1 Deputy Governor A: Yeah.

2 Rod Blagojevich: We could pull it back  
3 if we needed to, budgetary concerns, right?

4 Deputy Governor A: We sure could,  
5 yeah.

6 Rod Blagojevich: Okay. That's good to  
7 know.

8 Actually, I can just keep going down  
9 this paragraph. Let's go to Paragraph 67 and  
10 68 C now, and I'll ask you one question for all  
11 of these.

12 Paragraph 68 C, on November 12th, at  
13 approximately 8:26 p.m., Fundraiser A called Rod  
14 Blagojevich and reported the status of  
15 fundraising efforts. During the conversation,  
16 Rod Blagojevich instructed Fundraiser A to call  
17 Lobbyist 1 the following day and ask Lobbyist 1  
18 what to do about the fact that Hospital  
19 Executive 1 is not calling Fundraiser A back and  
20 inquire whether it was possible that  
21 Individual A had instructed Hospital Executive 1  
22 not to call back.

23 See Paragraph 65.

24 Rod Blagojevich asked, quote, What do

1     they we do with this guy, Hospital 1?

2                 And finally, 68 D. On November 13, at  
3     approximately 10:05 a.m., Rod Blagojevich talked  
4     with Fundraiser A. The discussion concerned the  
5     status of fundraising efforts. During this  
6     call, Rod Blagojevich asked about Highway  
7     Contractor 1.

8                 Fundraiser A stated that Lobbyist 1 is  
9     still working with Highway Contractor 1.  
10    Fundraiser A also advised Rod Blagojevich that  
11    he will be meeting Lobbyist 2 to meet with an  
12    individual at Weiss Memorial Hospital.

13                Rod Blagojevich states, quote, "Yeah,  
14    now, be real careful there. I mean, the FBI  
15    went to see Lobbyist 2. You understand?" Close  
16    quote.

17                Fundraiser A also said that he had a  
18    call in to Individual A and that Fundraiser A  
19    will talk to Individual A about Hospital  
20    Executive 1.

21                I believe we now need to jump to Page  
22    41 which is subpart G of Paragraph 68. On  
23    November 14th, Rod Blagojevich talked to  
24    Fundraiser A. During the conversation,

1 Fundraiser A told Rod Blagojevich that he had  
2 spoken with Individual A and that Rod  
3 Blagojevich needed to call Hospital Executive 1.  
4 Rod Blagojevich said that he would call him.

5 Agent Cain, the portions of  
6 Paragraph 68 that I've read to you -- let's just  
7 make this easier. All of Paragraph 68, was the  
8 information contained in Paragraph 68 true and  
9 accurate to the best of your knowledge at the  
10 time you signed this affidavit?

11 A. Yes, it was.

12 Q. We have one topic left dealing with the  
13 horse racing bill, and we will have a tape for  
14 that as well. Let me -- before I get to a few  
15 questions on that, Agent Cain, let me ask you  
16 two very general questions about this entire  
17 affidavit.

18 At the time you executed this  
19 affidavit, was all of the information contained  
20 in it -- whether I've read it to you today or  
21 not, was all of the information contained in  
22 this affidavit true and accurate to the best of  
23 your knowledge and belief?

24 A. Yes, it was.

1           Q.   And for each and every statement in  
2   this affidavit that is attributed to the  
3   Governor, was the Governor's voice identified  
4   using the voice identification procedures you  
5   described earlier?

6           A.   Yes.

7           Q.   I would like to move to the final topic  
8   then.

9                   HOUSE PROSECUTOR ELLIS:  First, I  
10   believe that members have in their packet the  
11   bill status for House Bill 4758, the horse  
12   racing impact fee legislation, which we will  
13   show that the bill was passed on November 20th  
14   and sent to the Governor on November 24th of  
15   2008.

16                   As far as the affidavit, I'm going to  
17   turn everyone's attention to Paragraph 68 E, and  
18   that is on Page 39.  68 E, Page 39.

19   BY HOUSE PROSECUTOR ELLIS:

20           Q.   And I believe you've already said this  
21   is true and accurate so maybe I can avoid having  
22   to ask you that, Agent Cain.

23                   And just for context, the previous  
24   paragraph, subpart D, talks about a November 13,

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1 2008 conversation so the date is November 13th.  
2 This was before the signing of the horse racing  
3 legislation that was still being lobbied.

4 68 E, Page 39: Also during this call,  
5 Rod Blagojevich and Fundraiser A spoke about  
6 efforts to raise funds from two other  
7 individuals before the end of the year.  
8 Fundraiser A advised Rod Blagojevich that with  
9 respect to one of these individuals, Contributor  
10 1, Lobbyist 1 had informed Fundraiser A that  
11 Contributor 1 was, quote, good for it but that  
12 Lobbyist 1 was, quote, going to talk with you,  
13 Rod Blagojevich, about some sensitivities  
14 legislatively tonight when he sees you with  
15 regard to timing of all this.

16 Rod Blagojevich asked, quote, "Right.  
17 Before the end of the year though, right?"

18 Fundraiser A responded affirmatively.

19 Later in that conversation, Rod  
20 Blagojevich stated that he knows Lobbyist 1 is,  
21 quote, "down there," Springfield, Illinois, with  
22 Contractor 1, quote, "pushing a bill."

23 In a series of calls since that time,  
24 it became clear that the bill Lobbyist 1 is

1 interested in is in the Office of the Governor  
2 awaiting Rod Blagojevich's signature. The bill  
3 which is believed to be a law which involves  
4 directing a percentage of casino revenues from  
5 the horse racing industry is expected to be  
6 signed as soon as next week.

7 In a call on December 3rd, Lobbyist 1  
8 advised Rod Blagojevich that Lobbyist 1 had a  
9 private conversation with Contributor 1 about  
10 the contribution or commitment Contributor 1 had  
11 not yet made and advised Contributor 1, quote,  
12 "Look, there is a concern that there is going to  
13 be some skittishness if your bill gets signed  
14 because of the timeliness of your commitment,"  
15 close quote, and made clear that the  
16 contribution's, quote, "got to be in now," close  
17 quote.

18 Rod Blagojevich commented to Lobbyist  
19 1, "Good" and "Good job."

20 In a call the next day, Lobbyist 1  
21 asked Rod Blagojevich to call Contributor 1,  
22 quote, "just to say hello. I'm working on the  
23 timing of this thing, but it's gonna get done."

24 Lobbyist 1 suggested that it is better

1 for Rod Blagojevich to make the call personally,  
2 quote, "from a pressure point of view," close  
3 quote.

4 Rod Blagojevich stated that he would  
5 call Contributor 1 and indicate that Rod  
6 Blagojevich wanted to do an event or fundraiser  
7 downstate, quote, "so we can get together and  
8 start picking some dates to do our bill  
9 signing."

10 Lobbyist 1 assured Rod Blagojevich that  
11 Contributor 1 would be good for the donation  
12 because Lobbyist 1, quote, "got in his face,"  
13 close quote.

14 So just for the record, Agent, was this  
15 passage I just read true and accurate at the  
16 time you signed this affidavit to the best of  
17 your knowledge?

18 A. Yes, it was.

19 HOUSE PROSECUTOR ELLIS: Your Honor, at  
20 this time, it would be my intention to play the  
21 tapes that we have entered into evidence as well  
22 as to pass out to the Members of the Senate a  
23 transcript of that tape if it pleases your  
24 Honor.

1 CHIEF JUSTICE FITZGERALD: You can  
2 proceed as you wish at this point.

3 HOUSE PROSECUTOR ELLIS: Thank you,  
4 sir.

5 We would ask that the transcripts be  
6 passed out.

7 Okay. Maybe I had the chronology mixed  
8 up. I guess what we will first do is, again, if  
9 it pleases the Court, I think what we would like  
10 to do is play it first, pass out the transcripts  
11 and play it a second time. That would be our  
12 intention. So I'm sorry. I kind of jumbled  
13 that at first. If that's okay with your Honor.

14 CHIEF JUSTICE FITZGERALD: We're right  
15 on the edge of okay.

16 HOUSE PROSECUTOR ELLIS: If I could  
17 introduce each one of these tapes first of all,  
18 for the record, this first phone call, this is a  
19 phone call from the wiretap of Rod Blagojevich's  
20 home. The parties to the conversation are Rod  
21 Blagojevich and Robert Blagojevich.

22 If you could play the first?

23 (Whereupon, the following  
24 audio recording was played.)

1           BLAGOJEVICH: Hey.

2           ROB: Hey.

3           BLAGOJEVICH: How we doing?

4           ROB: Good. Uh, talked to Lon. And

5    uh, he says Johnny Johnston is good for it.

6    He's gonna give you -- ya know, he didn't get

7    it. But he said, ya know, I'm good for it. I

8    gotta just decide what, what uh, accounts to get

9    it out of. And, and Lon's going to talk to you

10   about some sensitivities legislatively tonight

11   when he sees you with regard to the timing of

12   all this?

13           BLAGOJEVICH: Right - before the end of

14   the year though, right?

15           ROB: Oh, yeah. Yeah. Yeah. So, uh -

16   there was no waffling there, it just uh, ya

17   know, we gotta, we just gotta figure it and --

18   so he'll give you the specific details.

19           BLAGOJEVICH: Oh good. He's going to

20   be there tonight, right?

21           ROB: He's going with ya.

22           BLAGOJEVICH: Yeah.

23           ROB: It's a basketball game?

24           BLAGOJEVICH: Yeah, with --

1                   ROB: Yeah, he yeah, he knew it --  
2     United Center -- wasn't sure what the venue was.  
3     But - good.

4                   BLAGOJEVICH: Yeah, they're pushing a  
5     bill. So that's probably what he wants to wait  
6     on.

7                   ROB: Well, whatever. I mean, I think  
8     that's probably likely. He didn't get into  
9     detail with me.

10                  HOUSE PROSECUTOR ELLIS: We'll now turn  
11     to the second phone call on this tape which is  
12     taken from an intercept of the cellular  
13     telephone of Lobbyist 1. This is a conversation  
14     between Lobbyist 1 and John Johnston.

15                                 (Whereupon, the following  
16                                 audio recording was played.)

17                  JOHNSTON: Hello.

18                  LOBBYIST 1: John. How are you? It's  
19     Lon.

20                  JOHNSTON: Good. How are you?  
21     Checking in.

22                  LOBBYIST 1: Where, oh, you, I didn't  
23     know you called.

24                  JOHNSTON: Oh, yeah, I left a message

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1 earlier today.

2 LOBBYIST 1: What um, where are you  
3 right now?

4 JOHNSTON: I'm at the track.

5 LOBBYIST 1: Can I come see you?

6 JOHNSTON: Can you come see me?

7 LOBBYIST 1: Yeah.

8 JOHNSTON: Yeah, yeah.

9 LOBBYIST 1: Um, I'll be there probably  
10 45 minutes.

11 JOHNSTON: Okay. See ya.

12 LOBBYIST 1: Bye.

13 HOUSE PROSECUTOR ELLIS: So that phone  
14 call we just heard took place on December 3rd,  
15 2008 at the hour of 2:21 p.m.

16 Now I would like to turn to the third  
17 tape. This is, again, from the intercept of  
18 Lobbyist 1's cellular telephone. It takes place  
19 on the same date, December 3rd, at the hour of  
20 4:11 p.m. The parties to the call are Rod  
21 Blagojevich and Lobbyist 1.

22 (Whereupon, the following  
23 audio recording was played.)

24 UF: Friends of Blagojevich.

1           LOBBYIST 1: Hey, it's Lon.  
2           UF: Hey, Lon. Hold on one second.  
3           LOBBYIST 1: Is -- is Rod there?  
4           UF: Yeah, they're both here. Hold on.  
5           LOBBYIST 1: Okay.  
6           BLAGOJEVICH: Hey, Lon.  
7           LOBBYIST 1: Hey. So I'm just leaving  
8 there, um, and I talked to him about commitment.  
9 He goes -- I said, "two separate conversations.  
10 What about your commitment?" He goes, "Lon, I  
11 have to leave in two weeks, and I'm gonna be  
12 gone for two weeks. I know that I have to have  
13 this in your hand by the end of those two  
14 weeks." And I said, "look, there's a certain  
15 that there's gonna be some skittishness if your  
16 bill gets signed because of the timeliness of  
17 the commitment." He said, "absolutely not. I  
18 mean, do you want me to put some into the next  
19 quarter." I said, "No. That's not my point.  
20 My point is that this has all gotta be in now."  
21 He goes, "I'm gonna have -- I home I'm gonna  
22 have it next week, but you have my commitment.  
23 I've always been there. I'm gonna be there.  
24 I've gotta have it in the next two weeks cause



1 I'm going out of town.

2 BLAGOJEVICH: Good.

3 LOBBYIST 1: And it -- and the reason  
4 it took so long was is that Billy came in and  
5 started talking about George Steinbrenner and  
6 not about the bill so much, but just about his  
7 illness and all that, and I didn't want to have  
8 that conversation in front of Billy.

9 BLAGOJEVICH: Ya, I know. Good job.  
10 Hey, um --

11 HOUSE PROSECUTOR ELLIS: Okay. And the  
12 fourth conversation occurs the following day,  
13 December 4th, at 9:09 a.m., and the parties to  
14 the conversation -- this is, again, intercepted  
15 conversation from the cellular telephone of  
16 Lobbyist 1. The parties are Rod Blagojevich and  
17 Lobbyist 1.

18 (Whereupon, the following  
19 audio recording was played.)

20 BLAGOJEVICH: Hey, Lon.

21 LOBBYIST 1: How are ya?

22 BLAGOJEVICH: Good.

23 LOBBYIST 1: Yeah. So ahm, so lemme,  
24 ah, so one thing I was thinking about last night

1 is that, um, you ought to give, not today, but  
2 maybe tomorrow, just give John Johnston a call  
3 and say, you know, calling just to say hello,  
4 um, you know, I'm working on the timing of this  
5 thing, but it's gonna get done.

6 BLAGOJEVICH: Okay.

7 LOBBYIST 1: It's -- it's --

8 BLAGOJEVICH: Call him tomorrow?

9 LOBBYIST 1: It's a two -- it's a  
10 two-minute conversation.

11 BLAGOJEVICH: Yeah, happy do it. Call  
12 him tomorrow, right?

13 LOBBYIST 1: Yeah.

14 BLAGOJEVICH: Okay. Call Johnny  
15 Johnston, or should I call -- have Harris call  
16 him?

17 LOBBYIST 1: You mean --

18 BLAGOJEVICH: I mean, you want me to  
19 call him directly, I will, whatever's the best  
20 thing. I'm just a little bit --

21 LOBBYIST 1: I think it's better if you  
22 do it.

23 BLAGOJEVICH: Okay.

24 LOBBYIST 1: For -- it's better if you

1 do it just from a pressure point of view.

2 BLAGOJEVICH: Yeah, good. I'll call  
3 him and say yeah, we'll -- and we want to do an  
4 event down sou -- down sou -- downstate.

5 LOBBYIST 1: Right.

6 BLAGOJEVICH: We wanna do it and  
7 hope -- hope to do this so we can get together  
8 and picking some dates to do a bill signing,  
9 right?

10 LOBBYIST 1: Okay. So what are -- what  
11 are the chances based on my conversation with  
12 you yesterday, that this gets done next week?

13 BLAGOJEVICH: You know, they're good.

14 LOBBYIST 1: Okay.

15 BLAGOJEVICH: I mean --

16 LOBBYIST 1: He's -- I'm telling you  
17 he's gonna be good for it. I got in his face.

18 BLAGOJEVICH: Okay, good.

19 LOBBYIST 1: All right.

20 BLAGOJEVICH: I know, it's.

21 LOBBYIST 1: Huh?

22 BLAGOJEVICH: I feel like there's  
23 somebody else who's holding him back.

24 LOBBYIST 1: No.

1           BLAGOJEVICH: I believe it's Chris.

2           LOBBYIST 1: No. No.

3           BLAGOJEVICH: Well, what took, you  
4 know, a whole year? You know what I mean. Hey,  
5 Lon --

6           LOBBYIST 1: No, I don't think he's  
7 been talking to Chris. I don't think he's been  
8 talking to Chris.

9           BLAGOJEVICH: Okay.

10          HOUSE PROSECUTOR ELLIS: Thank you very  
11 much.

12          And I guess at this point, we would  
13 hand out transcripts of these intercepted  
14 conversations. And really, it's the pleasure of  
15 the Body. I don't need to play these again,  
16 your Honor.

17          CHIEF JUSTICE FITZGERALD: Do you  
18 believe that it will help the Senators  
19 understand the conversations?

20          HOUSE PROSECUTOR ELLIS: I think it  
21 might be helpful for them to follow along with  
22 the transcript.

23          CHIEF JUSTICE FITZGERALD: If you wish  
24 to do it.

1                   HOUSE PROSECUTOR ELLIS: Thank you very  
2 much.

3                   We'll hand those out, if we could.

4                   Your Honor, I think at this point,  
5 rather than to play them again, we will just  
6 rest with the transcripts. I think that will be  
7 our decision.

8                   And I have no further questions for  
9 Mr. Cain.

10                  Thank you very much, Mr. Cain.

11                  CHIEF JUSTICE FITZGERALD: Thank you,  
12 Mr. Cain. You're excused.

13                               (Whereupon, the witness was  
14                               excused.)

15                  CHIEF JUSTICE FITZGERALD: Per Senate  
16 Resolution 7, the Governor or his counsel has  
17 the right to conduct cross-examination this  
18 witness. However, neither the Governor nor his  
19 counsel on his behalf has appeared so there can  
20 be no cross-examination. Therefore, we will  
21 proceed directly to taking written questions  
22 from the Senators regarding the testimony of the  
23 witness.

24                  President Cullerton, for what purpose

1 do you rise?

2 PRESIDENT CULLERTON: Thank you,  
3 Mr. Chief Justice.

4 I would ask that we have a Democratic  
5 Caucus for the purpose of formulating questions  
6 to ask the witness.

7 CHIEF JUSTICE FITZGERALD: Senator  
8 Radogno, for what purpose do you rise?

9 SENATOR RADOGNO: Thank you.

10 I would request similarly a Republican  
11 Caucus to formulate questions.

12 CHIEF JUSTICE FITZGERALD: One hour?  
13 What time do you need, Mr. Cullerton?

14 PRESIDENT CULLERTON: We should be able  
15 to be back here at 2:30.

16 CHIEF JUSTICE FITZGERALD: Is that  
17 agreeable to you, Senator?

18 SENATOR RADOGNO: No, I think we need  
19 an hour.

20 CHIEF JUSTICE FITZGERALD: We'll give  
21 you all till 2:45. The Senate will stand in  
22 recess.

23 (Whereupon, a short recess  
24 was taken.)

1 CHIEF JUSTICE FITZGERALD: Senate will  
2 come to order. The Senate will come to order.

3 There has been a request from the body  
4 that the tapes that were played earlier be  
5 replayed with the transcript. Mr. Ellis, you  
6 were right in the first instance.

7 HOUSE PROSECUTOR ELLIS: Thank you,  
8 your Honor. I guess at this point, if we could  
9 go ahead and do that. And if it please the  
10 Court, I would direct everybody to the  
11 transcript just so we can set up each call. As  
12 you can see at the beginning of each transcript,  
13 there is a case number, which is, of course, the  
14 case number of the United States versus  
15 Blagojevich, and then it indicates where the  
16 interception took place. For example, the first  
17 call will be the Rod Blagojevich home tap. Then  
18 there will be a date and a time. So this first  
19 call, again, is from the home telephone of Rod  
20 Blagojevich, and the parties are identified as  
21 Robert Blagojevich and Rod Blagojevich.

22 BLAGOJEVICH: Hey.

23 ROB: Hey.

24 BLAGOJEVICH: How we doing?

1                   ROB: Good. Uh, talked to Lon. And  
2   uh, he says Johnny Johnston is good for it.  
3   He's gonna give you -- ya know, he didn't get  
4   it. But he said, ya know, I'm good for it. I  
5   gotta just decide what, what uh, accounts to get  
6   it out of. And, and Lon's going to talk to you  
7   about some sensitivities legislatively tonight  
8   when he sees you with regard to the timing of  
9   all this?

10                  BLAGOJEVICH: Right - before the end of  
11   the year though, right?

12                  ROB: Oh, yeah. Yeah. Yeah. So, uh -  
13   there was no waffling there, it just uh, ya  
14   know, we gotta, we just gotta figure it and --  
15   so he'll give you the specific details.

16                  BLAGOJEVICH: Oh good. He's going to  
17   be there tonight, right?

18                  ROB: He's going with ya.

19                  BLAGOJEVICH: Yeah.

20                  ROB: It's a basketball game?

21                  BLAGOJEVICH: Yeah, with --

22                  ROB: Yeah, he yeah, he knew it --  
23   United Center -- wasn't sure what the venue was.  
24   But - good.



1           BLAGOJEVICH: Yeah, they're pushing a  
2 bill. So that's probably what he wants to wait  
3 on.

4           ROB: Well, whatever. I mean, I think  
5 that's probably likely. He didn't get into  
6 detail with me.

7           HOUSE PROSECUTOR ELLIS: Okay. And the  
8 second phone call in the transcript you'll be  
9 hearing is from the cellular telephone of  
10 Lobbyist 1. This is on December 3rd, 2008 at  
11 the hour of 2:21 p.m. That's all at the top of  
12 this transcript, as you can see, and the parties  
13 are Lobbyist 1 and John Johnston.

14          JOHNSTON: Hello.

15          LOBBYIST 1: John. How are you? It's  
16 Lon.

17          JOHNSTON: Good. How are you?  
18 Checking in.

19          LOBBYIST 1: Where, oh, you, I didn't  
20 know you called.

21          JOHNSTON: Oh, yeah, I left a message  
22 earlier today.

23          LOBBYIST 1: What um, where are you  
24 right now?

1 JOHNSTON: I'm at the track.  
2 LOBBYIST 1: Can I come see you?  
3 JOHNSTON: Can you come see me?  
4 LOBBYIST 1: Yeah.  
5 JOHNSTON: Yeah, yeah.  
6 LOBBYIST 1: Um, I'll be there probably  
7 45 minutes.  
8 JOHNSTON: Okay. See ya.  
9 LOBBYIST 1: Bye.  
10 HOUSE PROSECUTOR ELLIS: Okay. And the  
11 next phone call, again, from the cell phone of  
12 Lobbyist 1, the same date, approximately an hour  
13 and 50 minutes later at 4:11 p.m. The parties  
14 are Lobbyist 1 and Rod Blagojevich.  
15 UF: Friends of Blagojevich.  
16 LOBBYIST 1: Hey, it's Lon.  
17 UF: Hey, Lon. Hold on one second.  
18 LOBBYIST 1: Is -- is Rod there?  
19 UF: Yeah, they're both here. Hold on.  
20 LOBBYIST 1: Okay.  
21 BLAGOJEVICH: Hey, Lon.  
22 LOBBYIST 1: Hey. So I'm just leaving  
23 there, um, and I talked to him about commitment.  
24 He goes -- I said, "two separate conversations.

1   What about your commitment?" He goes, "Lon, I  
2   have to leave in two weeks, and I'm gonna be  
3   gone for two weeks. I know that I have to have  
4   this in your hand by the end of those two  
5   weeks." And I said, "look, there's a certain  
6   that there's gonna be some skittishness if your  
7   bill gets signed because of the timeliness of  
8   the commitment." He said, "absolutely not. I  
9   mean, do you want me to put some into the next  
10  quarter." I said, "No. That's not my point.  
11  My point is that this has all gotta be in now."  
12  He goes, "I'm gonna have -- I home I'm gonna  
13  have it next week, but you have my commitment.  
14  I've always been there. I'm gonna be there.  
15  I've gotta have it in the next two weeks cause  
16  I'm going out of town.

17           BLAGOJEVICH: Good.

18           LOBBYIST 1: And it -- and the reason  
19  it took so long was is that Billy came in and  
20  started talking about George Steinbrenner and  
21  not about the bill so much, but just about his  
22  illness and all that, and I didn't want to have  
23  that conversation in front of Billy.

24           BLAGOJEVICH: Ya, I know. Good job.

1 Hey, um --

2 HOUSE PROSECUTOR ELLIS: Again, the  
3 last conversation, again, intercepted from the  
4 cellular telephone of Lobbyist 1 is the  
5 following day, December 4th at the hour of 9:09  
6 a.m. The parties to the conversation are Rod  
7 Blagojevich and Lobbyist 1.

8 BLAGOJEVICH: Hey, Lon.

9 LOBBYIST 1: How are ya?

10 BLAGOJEVICH: Good.

11 LOBBYIST 1: Yeah. So ahm, so lemme,  
12 ah, so one thing I was thinking about last night  
13 is that, um, you ought to give, not today, but  
14 maybe tomorrow, just give John Johnston a call  
15 and say, you know, calling just to say hello,  
16 um, you know, I'm working on the timing of this  
17 thing, but it's gonna get done.

18 BLAGOJEVICH: Okay.

19 LOBBYIST 1: It's -- it's --

20 BLAGOJEVICH: Call him tomorrow?

21 LOBBYIST 1: It's a two -- it's a  
22 two-minute conversation.

23 BLAGOJEVICH: Yeah, happy do it. Call  
24 him tomorrow, right?

1                   LOBBYIST 1: Yeah.

2                   BLAGOJEVICH: Okay. Call Johnny

3 Johnston, or should I call -- have Harris call

4 him?

5                   LOBBYIST 1: You mean --

6                   BLAGOJEVICH: I mean, you want me to

7 call him directly, I will, whatever's the best

8 thing. I'm just a little bit --

9                   LOBBYIST 1: I think it's better if you

10 do it.

11                  BLAGOJEVICH: Okay.

12                  LOBBYIST 1: For -- it's better if you

13 do it just from a pressure point of view.

14                  BLAGOJEVICH: Yeah, good. I'll call

15 him and say yeah, we'll -- and we want to do an

16 event down sou -- down sou -- downstate.

17                  LOBBYIST 1: Right.

18                  BLAGOJEVICH: We wanna do it and

19 hope -- hope to do this so we can get together

20 and picking some dates to do a bill signing,

21 right?

22                  LOBBYIST 1: Okay. So what are -- what

23 are the chances based on my conversation with

24 you yesterday, that this gets done next week?

1           BLAGOJEVICH: You know, they're good.  
2           LOBBYIST 1: Okay.  
3           BLAGOJEVICH: I mean --  
4           LOBBYIST 1: He's -- I'm telling you  
5 he's gonna be good for it. I got in his face.  
6           BLAGOJEVICH: Okay, good.  
7           LOBBYIST 1: All right.  
8           BLAGOJEVICH: I know, it's.  
9           LOBBYIST 1: Huh?  
10          BLAGOJEVICH: I feel like there's  
11 somebody else who's holding him back.  
12          LOBBYIST 1: No.  
13          BLAGOJEVICH: I believe it's Chris.  
14          LOBBYIST 1: No. No.  
15          BLAGOJEVICH: Well, what took, you  
16 know, a whole year? You know what I mean. Hey,  
17 Lon --  
18          LOBBYIST 1: No, I don't think he's  
19 been talking to Chris. I don't think he's been  
20 talking to Chris.  
21          CHIEF JUSTICE FITZGERALD: Madam  
22 Secretary, have any questions been submitted?  
23          MADAM SECRETARY: Yes. A question list  
24 has been received from both the Democratic

1     Caucus and the Republican Caucus.

2                 CHIEF JUSTICE FITZGERALD:  There is a  
3     significant list of questions, which I will read  
4     to the witness.  I remind the Senate that this  
5     witness is testifying under unusual  
6     circumstances.  He's accompanied by a U.S.  
7     Attorney who's authorized by law to withhold the  
8     answer to any questions that might be asked him,  
9     and that is pursuant to federal law.  I've  
10    talked to the U.S. Attorney and asked him to  
11    please allow him to be as liberal as he can in  
12    answering the questions.

13                With that, I will, as I've done before,  
14    begin with one question submitted by the  
15    Democratic Caucus, and then we'll alternate to  
16    one from the Republican Caucus until all the  
17    questions have been posed.

18                With that then, the first question  
19    become comes from Senator Demuzio.  The question  
20    is what info or persons led you to ask for a  
21    wiretap?  Why were the taps ordered in October?

22                U.S. ATTORNEY WALSH:  Chief Justice and  
23    members of the Senate, I'm sure you'll  
24    understand, there are significant legal

1 restrictions on the disclosure of information  
2 gathered in the course of a federal criminal  
3 investigation. Some of those restrictions are  
4 embodied in federal regulations that apply to  
5 all Department of Justice employees, including  
6 Assistant U.S. Attorneys and FBI and DEA agents,  
7 et cetera.

8           At the request of the Prosecutor and  
9 this Body and to the extent that he has the  
10 authority under the applicable federal  
11 regulations, the U.S. Attorney has taken an  
12 unusual step of authorizing the disclosure of  
13 the affidavit that you have before you that was  
14 filed before a federal magistrate judge and that  
15 Agent Cain has testified to today, but the  
16 restrictions on his testimony are set out in a  
17 letter to Agent Cain. The most significant one  
18 being that Agent Cain is limited to testify to  
19 whether the affidavit that he executed was  
20 accurate to the best of his knowledge and belief  
21 in light of the information available to him at  
22 the time the affidavit was signed.

23           He is not permitted to provide  
24 additional details or to provide any other



1 information regarding the investigation, where  
2 it started, how it proceeded. He's not allowed  
3 to provide any indication of his belief in the  
4 merits of this impeachment proceeding. And I'm  
5 sorry that the question as posed by Senator  
6 Martinez (sic) is not within his authorized  
7 testimony, so I'd instruct you not to answer  
8 that question.

9 CHIEF JUSTICE FITZGERALD: The next  
10 question from the Republican Caucus comes from  
11 Senator Frank Watson. To your knowledge, are  
12 there currently any ongoing investigations of  
13 Governor Blagojevich?

14 THE WITNESS: I cannot answer that  
15 question.

16 CHIEF JUSTICE FITZGERALD: Senator Bond  
17 from the Democratic Caucus: We've heard a lot  
18 in recent days from the Governor about a plot by  
19 the legislature to remove the Governor so that  
20 taxes could be raised. We know that he  
21 mentioned possible impeachment proceedings  
22 during conversations listed in the affidavit.  
23 Did he ever mention the plot that he's alleging  
24 now to the press during those recorded

1 conversations?

2 U.S. ATTORNEY WALSH: If that  
3 information is not in the affidavit, then it  
4 can't be disclosed.

5 CHIEF JUSTICE FITZGERALD: And Senator  
6 Carole Pankau: Does the affidavit contain a  
7 complete record of all the proper or potentially  
8 illegal acts committed by Governor Blagojevich  
9 while he was under criminal investigation?

10 U.S. ATTORNEY WALSH: Again, he can't  
11 answer that question, but I'd refer you to the  
12 statements -- public statements made by the U.S.  
13 Attorney at the time the arrest was announced.

14 CHIEF JUSTICE FITZGERALD: Senator  
15 Martinez of the Democratic Caucus: At what time  
16 of day did the FBI seek the wiretap? What was  
17 the reason the FBI sought the wiretap? The  
18 follow-up, the reason was based on an  
19 individual. Was that person offered anything to  
20 induce him to provide that information?

21 THE WITNESS: As laid out in the  
22 complaint, the FBI first sought a wiretap on  
23 October 21st, 2008, I believe, in connection  
24 with this investigation. Beyond that, I don't

1 believe I'm authorized to provide any other  
2 information about how we received the  
3 information that led to the wiretap or the  
4 inducements.

5 CHIEF JUSTICE FITZGERALD: Senator Dave  
6 Luechtefeld: The conversations contained in the  
7 affidavit are not the totality of all the  
8 conversations between the Governor and his  
9 advisors, President-Elect staff and others  
10 concerning the U.S. Attorney's Senate seat, are  
11 they?

12 THE WITNESS: As it says in the  
13 affidavit, these are not all of the  
14 conversations.

15 CHIEF JUSTICE FITZGERALD: Again, from  
16 Senator Bond: Agent Cain, is it fair to say  
17 that Governor Rod Blagojevich has no desire to  
18 remain Governor of Illinois for the remainder of  
19 his term?

20 THE WITNESS: That's a question I  
21 cannot answer.

22 CHIEF JUSTICE FITZGERALD: Senator Gary  
23 Dahl: Are there members of this tribunal on  
24 these wiretaps?

1           U.S. ATTORNEY WALSH: Again, another  
2 question he cannot answer.

3           UNIDENTIFIED VOICE: Thank God.

4           CHIEF JUSTICE FITZGERALD: Senator  
5 Heather Steans: Having heard the tapes, does  
6 your affidavit place the Governor's intent to  
7 fill the vacant Senate seat based on his  
8 personal interests in the proper context?

9           U.S. ATTORNEY WALSH: I don't believe  
10 he's allowed to characterize anything beyond  
11 what's in the affidavit, so if you can find  
12 anything in the affidavit, that's the only place  
13 that you'll be able to draw that inference.

14           CHIEF JUSTICE FITZGERALD: Senator  
15 Carole Pankau: To your knowledge, under these  
16 circumstances -- excuse me. To your knowledge,  
17 are there circumstances where after a criminal  
18 complaint has been filed against an individual,  
19 that additional charges are later levied in an  
20 indictment? Is the potential for that  
21 circumstance to occur present in this case of  
22 the affidavit you are testifying about today?

23           THE WITNESS: Let me answer the first  
24 question. Are the circumstances where after a

1 criminal complaint was filed against an  
2 individual additional charges are later levied  
3 in an indictment? The answer is yes. Is the  
4 potential for that circumstance to occur present  
5 in the case of the affidavit you are testifying  
6 about here today? The answer is yes.

7 CHIEF JUSTICE FITZGERALD: Again, from  
8 Senator Bond: Regarding the Chicago Tribune  
9 situation, did the Governor speak to any  
10 additional individuals in furtherance of the  
11 conspiracy to your knowledge? In follow-up, to  
12 your knowledge, did the Governor take any action  
13 in furtherance of this conspiracy, and did this  
14 conspiracy rise to the level of an actual crime?

15 U.S. ATTORNEY WALSH: Sorry. We can't  
16 provide any details beyond what are provided in  
17 the affidavit.

18 CHIEF JUSTICE FITZGERALD: Senator Kirk  
19 Dillard: It's a five-point question, I believe,  
20 that the witness and his attorney have copies  
21 of, so I'll just read the five questions and  
22 then they can proceed.

23 Can you please explain oversight  
24 procedures routinely used when a wiretap is

1 operational in a criminal investigation? Are  
2 these routine procedures ever not followed in  
3 the course of an investigation? Could the  
4 wiretap be ruled as invalid if the procedures  
5 are not followed? Through your years of  
6 service, have you ever seen a wiretap ruled as  
7 invalid because procedures were not followed  
8 when the wiretap was operational? Were all  
9 oversight procedures properly executed while the  
10 wiretaps were collected -- collecting the  
11 information contained in the affidavit you are  
12 testifying about here today?

13 U.S. ATTORNEY WALSH: Again, this goes  
14 beyond the scope of Agent Cain's affidavit, but  
15 I would refer you to yesterday's testimony of  
16 former AUSA John Scully.

17 CHIEF JUSTICE FITZGERALD: Again from  
18 Senator Bond: As an FBI agent, when you have  
19 information regarding a possible conspiracy,  
20 what steps do you take? Do you have a  
21 responsibility to act when you discover a  
22 conspiracy? If so, what criteria do you use in  
23 deciding whether to intervene before the crime  
24 has been committed or wait until the crime has

1     been committed?

2               U.S. ATTORNEY WALSH: This question is  
3     also beyond the scope of Agent Cain's affidavit.

4               CHIEF JUSTICE FITZGERALD: Senator Dale  
5     Righter: Yesterday we heard that wiretaps  
6     normally are approved in 30-day periods. In  
7     this investigation, a second 30-day period was  
8     obtained, correct?

9               Regarding the court authorization to  
10    intercept Governor Blagojevich's conversations  
11    without his knowledge, your affidavit in support  
12    of the criminal complaint in Paragraph 14(b)  
13    states that on November 26th, 2008, an extension  
14    of that authorization was signed by Judge  
15    Kennelly. Since November 26th, extension was  
16    for an additional 30 days. Why was the Governor  
17    arrested on December 9th?

18              Is it not likely that utilizing the  
19    remaining 16 days of the court-authorized  
20    authorization would have revealed more about who  
21    the Governor was conspiring with, not only  
22    concerning the vacant U.S. Senate seat, but all  
23    the other matters as well?

24              THE WITNESS: In relation to question

1 number 1 and this investigation, a second 30-day  
2 period was obtained for the wiretaps, the answer  
3 to that is yes.

4 CHIEF JUSTICE FITZGERALD: I'm sorry.

5 THE WITNESS: In connection with the  
6 remaining questions, I believe that goes beyond  
7 my authority to answer that question because the  
8 answers are not in the complaint.

9 CHIEF JUSTICE FITZGERALD: From Senator  
10 Garrett: Regarding the campaign contributions  
11 to the Friends of Blagojevich from Ali Ata, it  
12 has been alleged that Ata contributed more than  
13 \$25,000 to Blagojevich's campaign, but the FBI  
14 has not confirmed this. Would the D-2's of the  
15 Blagojevich campaign confirm the actual amount  
16 of the money donated from Ata? What do  
17 Blagojevich D-2's show regarding the Ata  
18 contributions? And is it possible that some of  
19 the contributions from Ata and others could have  
20 been cash?

21 THE WITNESS: The only thing I can say  
22 about question number 1 in connection with Ata's  
23 contributions is what was laid out in testimony  
24 in the complaint as it relates to Ali Ata. The



1 remaining questions I cannot answer after  
2 looking at the wording.

3 CHIEF JUSTICE FITZGERALD: Senator Dave  
4 Luechtefeld: Yesterday, we learned about  
5 wiretaps, bugs and recordings made with the  
6 knowledge of one of the individuals being  
7 recorded. These three devices are used for  
8 gaining information by intercepting  
9 conversations either on the phone or in person.  
10 Which of these three types of interceptive  
11 devices were used to record Governor  
12 Blagojevich's statements included in the  
13 affidavit?

14 THE WITNESS: I think it's clear in the  
15 affidavit that we used microphones in Governor  
16 Blagojevich's campaign office, which is also  
17 referred to as bugs and wiretaps on his home  
18 telephone.

19 CHIEF JUSTICE FITZGERALD: Senator  
20 Kotowski: With regard to the pediatric care  
21 reimbursement, do we know how long the pediatric  
22 care reimbursement was postponed in order to  
23 attempt to secure campaign contributions or  
24 other benefits from House Executive 1?

1           U.S. ATTORNEY WALSH: Again, that's  
2 beyond the scope of the affidavit, so Agent Cain  
3 cannot answer it.

4           CHIEF JUSTICE FITZGERALD: Senator  
5 Larry Bomke: Your affidavit appears to have  
6 been signed approximately seven weeks ago. Has  
7 anything occurred since that date which would  
8 make any of the statements in your affidavit  
9 untrue? If so, can you please explain?

10          U.S. ATTORNEY WALSH: Again, since it  
11 goes beyond the scope of the affidavit, he can't  
12 answer that question at this time.

13          CHIEF JUSTICE FITZGERALD: Senator  
14 Collins: How many hours of tapes were recorded  
15 by the FBI as it relates to the affidavit?

16          U.S. ATTORNEY WALSH: That's a detail  
17 that's not in the affidavit and can't be  
18 disclosed here.

19          CHIEF JUSTICE FITZGERALD: Senator Kirk  
20 Dillard: Do you have any knowledge of any taped  
21 conversation between Governor Blagojevich and  
22 the leading Democrat in the United States,  
23 Senator Harry Reid -- the United States Senate,  
24 I'm sorry, Senator Harry Reid? If yes, can you

1 tell us about it?

2 U.S. ATTORNEY WALSH: At the risk of  
3 sounding like a broken record, he can't answer  
4 that question.

5 CHIEF JUSTICE FITZGERALD: Senator  
6 Haine: It reads paragraph A, did the Gov make  
7 the call referred to herein? Paragraph 68(b),  
8 did the Gov pull it back as stated? Paragraph  
9 68(d), did Fundraiser A actually talk with the  
10 Individual A about Hospital Executive Number 1?  
11 Paragraph 68(c), did Gov actually call  
12 Contributor Number 1? Paragraph 68(g), did Gov  
13 actually call Hospital Executive Number 1?

14 U.S. ATTORNEY WALSH: He cannot answer  
15 this question, either.

16 CHIEF JUSTICE FITZGERALD: Senator  
17 Chris Lauzen: We have listened today to  
18 redacted portions of recorded conversations that  
19 Governor Blagojevich had; is that correct?

20 THE WITNESS: That's correct.

21 CHIEF JUSTICE FITZGERALD: And the  
22 second part of the question is do you know why  
23 these specific things and portions of tapes were  
24 chosen to be disclosed to us and others were not

1 included?

2 U.S. ATTORNEY WALSH: Again, that's a  
3 decision made by the U.S. Attorney in an attempt  
4 to protect the ongoing criminal investigation,  
5 and Agent Cain is not authorized to disclose  
6 that.

7 CHIEF JUSTICE FITZGERALD: Senator  
8 Haine: Can you outline for us the times that  
9 the Gov's -- I'm sorry -- directives concerning  
10 trading official acts for personal gain or  
11 contributions were communicated to the targets  
12 of these overtures? If any of these directives  
13 are not communicated to said targets, was a  
14 crime committed?

15 THE WITNESS: I cannot outline any  
16 information other than what's already set forth  
17 in the complaint. And the second part of that  
18 question, if these directives are not  
19 communicated to said targets, was a crime  
20 committed? That's beyond the scope of my  
21 authorization.

22 CHIEF JUSTICE FITZGERALD: Senator  
23 Frank Watson: You are aware, aren't you, that  
24 early January 2009, Governor Blagojevich's

1 attorney was given an unredacted version of  
2 these exact conversations? You are not aware of  
3 any attempt being made by the Governor --  
4 Governor Blagojevich's attorney or the Governor  
5 himself to present to this Body what was said in  
6 the remaining portions of the conversation, are  
7 you?

8 U.S. ATTORNEY WALSH: Again, that's not  
9 in his affidavit, so he cannot testify to that.

10 CHIEF JUSTICE FITZGERALD: Senator  
11 Maloney: In any of the recorded conversations  
12 relative to the vacant United States Senate  
13 seat, did the Governor ever discuss any  
14 potential candidate in terms of your  
15 professional qualifications or how the citizens  
16 of Illinois could be served?

17 THE WITNESS: Yes, I believe he did.

18 CHIEF JUSTICE FITZGERALD: Senator  
19 Chris Lauzen: Does your affidavit state in  
20 paragraph -- I'm sorry. Does your affidavit  
21 state in Paragraph 76 on Page 46 through 47 that  
22 Rod Blagojevich discussed The Tribune editorials  
23 suggesting that Rod Blagojevich be impeached and  
24 told Harris they need to have a conversation

1 with Tribune financial advisor -- Cubs chairman  
2 and Tribune Owner and explain that the Tribune  
3 is writing editorials criticizing Rod  
4 Blagojevich for taking actions like those  
5 Tribune Owner wants Rod Blagojevich to take on  
6 his Cubs deal at the IFA?

7 Rod Blagojevich stated that because of  
8 the impeachment articles, we don't know if he  
9 can take a chance and do this IFA deal now. I  
10 don't want to give them a grounds to impeach me.  
11 Rod Blagojevich stated that our recommendation  
12 is fire all of those F-ing people, get them the  
13 "F" out of there and get us some editorial  
14 support.

15 Does this appear to be an attempt to  
16 intimidate and a violation of the Governor's  
17 oath of office to support and protect the United  
18 States Constitution, which includes the First  
19 Amendment, protection of free press?

20 THE WITNESS: I can answer yes to part  
21 one of that question, and I'm not authorized to  
22 answer part two of the question as it relates to  
23 the First Amendment protection.

24 CHIEF JUSTICE FITZGERALD: Senator

1 Frerichs: To your knowledge, what was the first  
2 time Governor Blagojevich began discussing the  
3 trading or selling of President Obama's U.S.  
4 Senate seat?

5 THE WITNESS: I would just refer you to  
6 the affidavit, and my answer would be consistent  
7 with what's laid out in the affidavit.

8 CHIEF JUSTICE FITZGERALD: Senator  
9 Larry Bomke: In yesterday's press blitz, the  
10 Governor affirmed that his father-in-law, Dick  
11 Mell, in 2003, 2004 made allegations that  
12 Governor Blagojevich was trading appointments  
13 for large political contributions.  
14 Correspondingly, Paragraph 23 of your affidavit  
15 says in or about July 23rd, Rezko and Ata  
16 asked -- Rezko asked Ata to make an additional  
17 \$50,000 contribution to the campaign of Rod  
18 Blagojevich.

19 Ata agreed to contribute the same  
20 amount as he had previously, namely 25,000. Ata  
21 made this contribution on or about July 25th,  
22 2000 by check payable to Rod Blagojevich's  
23 campaign. Ata gave this check to Rezko.

24 Thereafter, Ata had a conversation with

1 Rod Blagojevich at a large fundraising event at  
2 Navy Pier. During this conversation, Rod  
3 Blagojevich told Ata that Ata had been a good  
4 supporter, indicated that Rod Blagojevich was  
5 aware that Ata had made another substantial  
6 donation to Rod Blagojevich's campaign and told  
7 Ata that he understood that Ata would be joining  
8 his administration. Ata responded that he was  
9 considering taking a position, and Rod  
10 Blagojevich states that it had better be a job  
11 where Ata could make some money.

12 Is this a true and accurate statement?

13 THE WITNESS: That is an accurate  
14 summary of what is in my affidavit according to  
15 the testimony provided by Ata.

16 CHIEF JUSTICE FITZGERALD: Senator  
17 Silverstein: Special Agent Cain, how long have  
18 the FBI been intercepting Governor Blagojevich's  
19 communications as it relates to the affidavit  
20 you signed in support of the criminal complaint?

21 THE WITNESS: My answer would be  
22 consistent with what is in the affidavit, and I  
23 think the first reference to communications was  
24 on or around October 21st, 2008 in the



1 affidavit.

2 CHIEF JUSTICE FITZGERALD: Senator Tim  
3 Bivins: Looking at Paragraph 13 of your  
4 affidavit, the federal government in 2003 began  
5 investigating allegations of illegal activities  
6 concerning -- occurring in the State of Illinois  
7 government as part of the administration of  
8 Governor Rod Blagojevich. Is that true and  
9 accurate?

10 THE WITNESS: Yes. Consistent with my  
11 affidavit, everything in my affidavit is true  
12 and accurate to the best of my belief and  
13 knowledge at that time.

14 CHIEF JUSTICE FITZGERALD: Senator  
15 Frerichs, Frerichs, I apologize. Special Agent  
16 Cain, based on some of the instructions given by  
17 Governor Blagojevich to his staff such as not to  
18 put anything in writing and that the world was  
19 listening, do you believe the Governor felt he  
20 was being -- was being something illegal or at  
21 least unethical?

22 U.S. ATTORNEY WALSH: The agent is not  
23 allowed to characterize his beliefs other than  
24 what is expressed in the affidavit.

1 CHIEF JUSTICE FITZGERALD: Senator Dale  
2 Righter: In Paragraph 67 of your affidavit, you  
3 detail a meeting held on October 22nd, 2008 at  
4 the Friends of Blagojevich's offices that  
5 included the Governor, Fundraiser A and two  
6 lobbyists. During the meeting, a phone call is  
7 overheard wherein you state that the Governor  
8 called someone designated as Highway Contractor  
9 1.

10 Additionally, you state that only the  
11 Governor's side of the call had been overheard.  
12 Why is that?

13 If the reason is that no bug was placed  
14 on the phone from which the Governor made the  
15 call, why was the phone not bugged? Do you not  
16 have probable cause to believe the Governor  
17 would be having conversations with and  
18 conspiring with other individuals that would  
19 produce evidence of his and other's corrupt  
20 actions?

21 THE WITNESS: I believe in response to  
22 part one of your questions, that recording was  
23 based on a microphone or a bug placed in the  
24 campaign office rather than a wiretap. In

1 connection with part two and three of these  
2 questions, that would be beyond my authorization  
3 to answer that question.

4 CHIEF JUSTICE FITZGERALD: Senator  
5 Bond: Special Agent Cain, could you please  
6 detail how the  
7 Governor plotted to use state funds to purchase  
8 Wrigley Field and how he planned to use that  
9 purchase to have members of the Chicago Tribune  
10 editorial board fired?

11 THE WITNESS: I can't say any specifics  
12 other than what's beyond -- what's in my  
13 affidavit.

14 CHIEF JUSTICE FITZGERALD: Senator  
15 Christine Radogno: In Paragraph 87 of your  
16 affidavit, you state that agents have  
17 intercepted a series of communications regarding  
18 the efforts of Rod Blagojevich, John Harris and  
19 others to misuse the power to obtain personal  
20 gain. Can you tell us who the others are?

21 THE WITNESS: No, I cannot.

22 CHIEF JUSTICE FITZGERALD: Senator  
23 Haine: Was the make-up or membership of the  
24 Health Facilities Planning Board determined by

1 the Governor or by the past governor or both  
2 Ryan and Blagojevich?

3 THE WITNESS: I'm hesitating because  
4 I'm not sure whether that is in my complaint or  
5 not, but I know the Health Facilities Planning  
6 Board membership is determined by the Governor.

7 CHIEF JUSTICE FITZGERALD: Senator  
8 Christine Radogno: In Paragraph 87 of your  
9 affidavit, you state that agents have  
10 intercepted a series of communications regarding  
11 the efforts of Rod Blagojevich, John Harris and  
12 others to misuse their power to obtain personal  
13 gain -- I'm sorry. I just read that question.

14 Second question from the senator was  
15 Paragraph 87 of your affidavit states that the  
16 affidavit does not include all calls dealing  
17 with the corrupt efforts of Rod Blagojevich,  
18 John Harris and others to misuse the power of  
19 Rod Blagojevich to appoint a United States  
20 senator for the personal gain of Rod Blagojevich  
21 and his family. Can you tell us who the others  
22 are?

23 THE WITNESS: No, I cannot.

24 CHIEF JUSTICE FITZGERALD: Senator

1 Bond: Agent Cain, according to your affidavit,  
2 Governor Blagojevich used three criteria to  
3 weigh his options to fill the Senate vacancy,  
4 and they were his legal situation, his personal  
5 situation and his political situation; is that  
6 correct? If so, were those the only criteria he  
7 listed at the time?

8 THE WITNESS: That appears to be an  
9 accurate summary of what is in my affidavit, and  
10 those were the criteria listed in that telephone  
11 call summarized in my affidavit.

12 CHIEF JUSTICE FITZGERALD: Senator Dave  
13 Syverson: Paragraph 86 through 117 of the  
14 affidavit deal with the appointment of the  
15 United States seat vacated by President Obama.  
16 In addition to Deputy Governor A, Advisor A,  
17 Advisor B, John Harris, Patti Blagojevich and  
18 the Governor, are there any other elected  
19 officials on tape or discussed on tape who were  
20 involved in a part of the sale of the Senate  
21 seat operation?

22 Is the scope of the investigation  
23 limited to these six individuals?

24 How many total hours of tape exist of

1     that time, and how much of that do we have in  
2     this exhibit?

3             U.S. ATTORNEY WALSH: This question is  
4     well-beyond the scope of the authorization to  
5     testify.

6             CHIEF JUSTICE FITZGERALD: Kimberly  
7     Lightford: Agent Cain, could you please explain  
8     how the Governor attempted to accelerate his  
9     campaign fundraising in light of the ethics bill  
10    this General Assembly passed?

11            THE WITNESS: It was discussed at  
12    meetings and contacts were made in order to  
13    accelerate the fundraising which are outlined in  
14    my complaint.

15            CHIEF JUSTICE FITZGERALD: Senator  
16    Chris Lauzen: If use of the crudest language,  
17    incompetence, overt and extreme partisanship or  
18    even consistently breaking political commitments  
19    were illegal, impeachable offenses and grounds  
20    for removal from office, there might even be  
21    some empty chairs in this Chamber.

22            Agent Cain, in your opinion, what  
23    raises the actions in your thorough affidavit  
24    and the tapes we heard to the level of criminal

1 activity, and perhaps, a breach of the  
2 Governor's Constitutional oath of office?

3 U.S. ATTORNEY WALSH: This is not a  
4 question he can answer.

5 CHIEF JUSTICE FITZGERALD: Senator  
6 James Clayborne: The phone call on 12/3/08 at  
7 4:11 p.m. and the call on 12/4/08 at 9:09 a.m.  
8 end without the parties terminating their  
9 discussion. What was the reason for redacting  
10 the rest of the conversation from the phone  
11 calls of 12/3/08, 4:11 p.m. and the call on  
12 12/4/08 at 9:11 a.m.?

13 U.S. ATTORNEY WALSH: Agent Cain can't  
14 answer the question. This is the subject of  
15 proceedings before Judge Holderman. And to the  
16 extent that there are public filings, you can  
17 read those to see, if possible, why some  
18 redactions may have been made.

19 CHIEF JUSTICE FITZGERALD: Senator Dan  
20 Cronin: During any of the recorded  
21 conversations with the U.S. Senate Candidates 1,  
22 2, 3, 4, 5 and 6, was there any dialogue about a  
23 particular candidate or any of the candidates's  
24 abilities or philosophies to lead and implement

1 good public policy, or was the total sum and  
2 substance of the conversation about Senator  
3 Candidates 1, 2, 3, 4, 5 and 6 solely about  
4 money and personal arrangements for Rod  
5 Blagojevich and his wife?

6 THE WITNESS: I cannot answer that  
7 question beyond what's already in my complaint.

8 CHIEF JUSTICE FITZGERALD: From Senator  
9 Bond: Special Agent Cain, is it fair to say  
10 that based upon your affidavit, that Governor  
11 Rod Blagojevich's main concern regarding the  
12 appointment to fill the vacant Senate seat was a  
13 need to make money?

14 THE WITNESS: I'm sorry. I cannot  
15 answer that beyond what's already in my  
16 complaint.

17 CHIEF JUSTICE FITZGERALD: I don't  
18 think I'm repeating this question. During --  
19 this is Senator Dan Cronin: During all the  
20 conversations regarding Senate Candidates 1, 2,  
21 3, 4, 5 and 6 that were recorded or listened to  
22 by agents, did the Governor ever engage in the  
23 discussion regarding policies of state  
24 government, specifically education and improving

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1 the performance of Illinois school children, or  
2 did the entire sum and substance of the  
3 Governor's statement focus on personal gain and  
4 political contributions?

5 THE WITNESS: Again, I cannot provide  
6 any specifics beyond what is in the affidavit to  
7 my complaint as it pertains to the summaries and  
8 the quotes.

9 CHIEF JUSTICE FITZGERALD: From Senator  
10 John Sullivan: Mr. Cain, the Governor claims we  
11 do not know the whole story, and what he did was  
12 to help the people of Illinois. In the  
13 transcripts, Paragraph 81, the Governor says  
14 actions could jeopardize our efforts to do good  
15 things for people. In Paragraph 92, he says he  
16 will make decisions on the Senate seat in good  
17 faith.

18 In your opinion, having heard the  
19 entire transcripts, were the Governor's actions  
20 for the people of the State of Illinois?

21 U.S. ATTORNEY WALSH: That's beyond the  
22 scope of the agent's authorization to testify.

23 CHIEF JUSTICE FITZGERALD: Another  
24 question from Senator Dan Cronin: I wish to

1 learn more about the position statements made by  
2 the owners of The Tribune regarding the firing  
3 of John McCormick or any member of the editorial  
4 board. Are there any recorded conversations  
5 representing The Tribune Owner's position or  
6 intent with respect to firing Tribune editorial  
7 board employees?

8 THE WITNESS: Again, I can't comment on  
9 any of their recorded conversations beyond what  
10 is in the affidavit to my complaint.

11 CHIEF JUSTICE FITZGERALD: Senator  
12 Jacobs: Is the Governor's ability to appoint  
13 someone to the U.S. Senate seat a thing of value  
14 sufficient to support a criminal conspiracy?

15 Did the Governor actually sell the U.S.  
16 Senate seat for personal gain?

17 THE WITNESS: I can't answer that  
18 question. That's beyond my authorization.

19 CHIEF JUSTICE FITZGERALD: From Senator  
20 Christine Radogno: In Paragraph 99 and 101, it  
21 is obvious that there were at least some  
22 communications from the President-Elect's  
23 organization that the President-Elect desired to  
24 have Senate Candidate Number 1 appointed to the

1 U.S. Senate seat vacated by the President-Elect.  
2 Can you tell us who that was and whether that  
3 communication was recorded?

4 THE WITNESS: I cannot.

5 CHIEF JUSTICE FITZGERALD: From Senator  
6 Koehler: Beginning with Paragraph 16, Page 9,  
7 on information concerning Ali Ata and Joseph  
8 Cari, what is the source of that information?  
9 Where did it come from?

10 THE WITNESS: That would be based on  
11 the testimony of Ali Ata and Joseph Cari at the  
12 Tony Rezko trial.

13 CHIEF JUSTICE FITZGERALD: The  
14 remaining questions are from the Republican  
15 Caucus. Senator Dale Righter: In Paragraph  
16 115(e) of your affidavit, you summarize a  
17 discussion between the Governor and individuals  
18 you refer to and three others in which a  
19 potential scheme to prepay the Governor's  
20 criminal defense attorney in order to avoid the  
21 impact on the Friends of Blagojevich account  
22 being frozen by the federal government.

23 Do you know who these three individuals  
24 were? If so, who are they -- who were they?

1           THE WITNESS: I cannot identify the  
2 individuals beyond the indication that's in the  
3 affidavit to the complaint.

4           CHIEF JUSTICE FITZGERALD: Repeating a  
5 possible question that I missed on the first  
6 page of the Republican document.

7           Senator Gary Dahl: Are there any  
8 members of this tribunal on those wiretaps? I  
9 think I read that one before.

10          Senator Dan Duffy and Dale Risinger:  
11 If the wiretap recording showed Governor  
12 Blagojevich accelerated the pay-to-play schemes  
13 in late 2008 and with the tone and ease of his  
14 conversation, is it fair to believe that these  
15 same schemes went on for years before 2008?

16          THE WITNESS: It would be beyond my  
17 authorization to comment on that question.

18          CHIEF JUSTICE FITZGERALD: I hope this  
19 is not a repeat. Senator Dale Righter: In  
20 Paragraph 115(d) of your affidavit, you  
21 summarize the discussion between the Governor  
22 and individuals you refer to and three others in  
23 which a potential scheme to prepay the  
24 Governor's criminal defense attorney in order to

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1     avoid the impact on the Friends of Blagojevich  
2     account be frozen by the federal government.

3             Do you know who these three individuals  
4     were? If so, who were they?

5             THE WITNESS: Yes, your Honor, that is  
6     a repeat, and the answer is I cannot identify  
7     these individuals beyond how they are identified  
8     in the affidavit to the complaint.

9             CHIEF JUSTICE FITZGERALD: Senator Dave  
10    Syverson: In Paragraph 112 of your affidavit,  
11    you detail a conversation between the Governor  
12    and John Harris that occurred on November 13,  
13    2008. During that conversation, the affidavit  
14    states that they discussed a planned call to  
15    Presidential Advisor during which the idea of  
16    the President-Elect's assistance with  
17    fundraising for a proposed 50(c) -- 501(c)(4)  
18    would be discussed.

19            Further, you state that the Governor  
20    wanted Presidential Advisor to get the word  
21    today so that when the Presidential Advisor asks  
22    me for the 5th Congressional District thing, I  
23    want it in his head.

24            Your affidavit details no actual

1 conversation with Presidential Advisor on this  
2 specific issue. Is that because no such  
3 conversation was overheard, or because it is not  
4 part of the excerpts we have been permitted to  
5 hear?

6 Is there anything in your affidavit  
7 concerning what the 5th Congressional District  
8 thing pertained to? If so, what? If not, is  
9 that because no conversations were overheard on  
10 the issue or such conversations are not within  
11 the excerpts we are allowed to hear?

12 U.S. ATTORNEY WALSH: That's beyond the  
13 scope of Agent Cain's authorization.

14 CHIEF JUSTICE FITZGERALD: Senator Pam  
15 Althoff: In Paragraph 106 of your affidavit,  
16 you state that Rod Blagojevich said that he will  
17 control the 501(c)(4) organization through a  
18 Board of Directors while he is Governor. Is  
19 this statement consistent with how your  
20 affidavit in Paragraph 33 through -- paragraphs  
21 33 through 41 describe Governor Blagojevich's  
22 method of controlling the Illinois Health  
23 Facilities Planning Board?

24 THE WITNESS: It would be beyond my

1 authorization to comment on whether it is  
2 consistent with other information in the  
3 affidavit. The affidavit simply reports the  
4 information that's available to me from these  
5 different sources at the time.

6 CHIEF JUSTICE FITZGERALD: From Senator  
7 Delgado: Notwithstanding all the other  
8 allegations, the U.S. Attorney stated that the  
9 Governor attempted to sell the Obama seat,  
10 however, according to your affidavit, the  
11 Governor states that he was approached by  
12 Candidate Number 5 to pay to play. Is that  
13 accurate?

14 U.S. ATTORNEY WALSH: This is not in  
15 the affidavit, so it's beyond the scope of Agent  
16 Cain's authorization.

17 THE WITNESS: There is a part of that  
18 that is in my affidavit, and if the question is  
19 in the affidavit, the Governor states he was  
20 approached by Candidate Number 5, quote, pay to  
21 play, is this accurate, if that's the question,  
22 I will, again, refer you to my affidavit, and I  
23 believe there is a reference in the affidavit to  
24 that. My affidavit is true and accurate to the

1 best of my knowledge and belief at the time I  
2 signed it.

3 CHIEF JUSTICE FITZGERALD: The next  
4 question comes from Senator Brad Burzynski:  
5 Throughout your affidavit concerning the sale of  
6 the U.S. Senate seat, the Governor continually  
7 instructs his chief of staff to make contact  
8 with the President-Elect advisor regarding  
9 filling the seat.

10 Were, in fact, these contacts made as  
11 requested by the Governor throughout the time  
12 frame laid out in your testimony.

13 THE WITNESS: I believe there are some  
14 contacts maybe laid out, but again, this  
15 affidavit is not proposing to summarize each and  
16 every contact that is made in the wiretap  
17 conversations.

18 CHIEF JUSTICE FITZGERALD: From Senator  
19 Kotowski: Is it an accurate statement that the  
20 Governor stated that he does not want to be  
21 Governor for the next two years?

22 THE WITNESS: That statement is in my  
23 affidavit, and it is true and accurate to my  
24 knowledge and belief at the time I signed the



1     affidavit.

2                   CHIEF JUSTICE FITZGERALD:   From Senator  
3     Matt Murphy:   Does your affidavit state in  
4     Paragraph 91 on Pages 57 with respect to the  
5     Senate seat, Deputy Governor A suggested putting  
6     together a list of things that Rod Blagojevich  
7     would accept in exchange for the Senate seat and  
8     Rod Blagojevich responded that the list can't be  
9     in writing?

10                  THE WITNESS:   That is accurate.

11                  CHIEF JUSTICE FITZGERALD:   Again from  
12     Senator Matt Murphy, does your affidavit state  
13     in Paragraph 96 on Page 59 that Rod Blagojevich  
14     stated I've got this thing, and it's F-ing  
15     golden, and I'm just not giving it up for F-ing  
16     nothing, I'm not going to do it, and I can  
17     always use it, I can parachute me there?

18                  THE WITNESS:   Yes.

19                  CHIEF JUSTICE FITZGERALD:   Senator Brad  
20     Burzynski:   Is there a wiretapped phone  
21     conversation between Governor Blagojevich and  
22     United States Senator Richard Durbin on or about  
23     November 24th, 2008?   Are you aware that the  
24     very next day, Senator Durbin asked President

1 Bush to commute former Governor George Ryan's  
2 sentence? Do you know if this action was in any  
3 way related to the November 24th, 2008 phone  
4 conversation between Governor Blagojevich and  
5 U.S. Senator Richard Durbin?

6 U.S. ATTORNEY WALSH: All these  
7 questions are beyond the scope of Agent Cain's  
8 authorization to testify.

9 CHIEF JUSTICE FITZGERALD: Senator  
10 Chris Lauzen: The Governor has publicly stated  
11 in the past 48 hours that all of his actions and  
12 concerns are about the service to the people.  
13 However, Paragraph 111 on Page 70 of your  
14 affidavit indicates that Rod Blagojevich stated  
15 that his decision about the open Senate seat  
16 will be based upon three criteria in the  
17 following order of importance, our legal  
18 situation, our personal situation, my political  
19 situation. This decision, like every other one,  
20 needs to be based upon that, legal, personal,  
21 political.

22 Does your affidavit accurately reflect  
23 what you heard on the tapes?

24 THE WITNESS: Yes, it does.

1 CHIEF JUSTICE FITZGERALD: Senator Matt  
2 Murphy: Does your affidavit state that any of  
3 the three current criteria included in Governor  
4 Blagojevich's decision-making criteria include  
5 the people of the State of Illinois? Does your  
6 affidavit state that any of the three criteria  
7 indicated in Governor Blagojevich's  
8 decision-making criteria include the provision  
9 of his oath of office, including upholding the  
10 Constitution of the State of Illinois? But your  
11 affidavit does state that the three criteria  
12 included in Governor Blagojevich's  
13 decision-making criteria include his personal  
14 legal, personal financial and political  
15 situations, correct?

16 THE WITNESS: I think my affidavit  
17 speaks for itself. I'm not authorized to  
18 testify beyond what's in my affidavit.

19 CHIEF JUSTICE FITZGERALD: From Senator  
20 John Millner, a series of four questions which  
21 I'll read.

22 Is there any doubt in your mind that  
23 the statements contained in the affidavit  
24 attributed to Governor Blagojevich were actually

1     made by Governor Blagojevich?

2             Do you swear an oath to the accuracy of  
3     the statements in the affidavit under the threat  
4     of perjury?

5             That oath is similar to the oath you  
6     took here today, isn't it?

7             In fact, you take your statement here  
8     under oath very seriously, don't you?

9             If you were not certain that the  
10    statements were made by Governor Blagojevich,  
11    you would not have allowed these statements to  
12    be included in your affidavit, would you?

13            THE WITNESS: The answer to question  
14    number 1 is there is any doubt in my mind that  
15    statements included in the affidavit attributed  
16    to Governor Blagojevich were actually made by  
17    Governor Blagojevich? The answer is no.

18            Did you swear an oath to the accuracy  
19    of the statements in the affidavit? Yes, I did.  
20    That oath is similar to the oath I took here  
21    today.

22            In fact, you take your statement under  
23    oath very seriously, don't you? Yes, I do.

24            If you were not certain that statements

1     were made by Governor Blagojevich, you would not  
2     have allowed those statements to be included in  
3     your affidavit, would you? No, I would not have  
4     attributed statements to Governor Blagojevich if  
5     I did not believe those statements were made by  
6     Governor Blagojevich.

7             CHIEF JUSTICE FITZGERALD: Can you  
8     please read to us Paragraph 117 of your  
9     affidavit?

10            THE WITNESS: Yes, I can.

11            Conclusion. Based upon the facts set  
12     forth in this affidavit, I believe that there is  
13     probable cause to believe that: (a) Rod  
14     Blagojevich and John Harris and others have  
15     conspired with each other and with others to  
16     commit offenses against the United States,  
17     namely to devise and participate in a scheme to  
18     defraud the State of Illinois and the people of  
19     the State of Illinois of the honest services of  
20     Rod Blagojevich and John Harris, in furtherance  
21     of which the mails and interstate wire  
22     communications would be used in violation of  
23     Title 18, United States Code, Sections 1341,  
24     1343 and 1346; all in violation of Title 18,

1 United States Code, Section 1349; and (b), Rod  
2 Blagojevich and John Harris, being agents of the  
3 State of Illinois, a state government which  
4 during a one-year period beginning January 1,  
5 2008 and continuing to the present received  
6 federal benefits in excess of \$10,000, corruptly  
7 solicited and demanded a thing of value, namely,  
8 the firing of certain Chicago Tribune editorial  
9 members responsible for widely-circulated  
10 editorials critical of Rod Blagojevich,  
11 intending to be influenced and rewarded in  
12 connection with business and transactions of the  
13 State of Illinois involving a thing of value of  
14 \$5,000 or more, namely, the provision of  
15 millions of dollars in financial assistance by  
16 the State of Illinois, including through the  
17 Illinois Finance Authority, to the Tribune  
18 Company involving the Wrigley Field baseball  
19 stadium; in violation of Title 18, United States  
20 Code, Sections 666(a)(1)(B) and 2. Accordingly,  
21 it is requested that arrest warrants be issued  
22 as detailed in this affidavit.

23 CHIEF JUSTICE FITZGERALD: I think a  
24 final question. Senator Steans: If the goal of

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1 your -- is it the goal of your affidavit to  
2 accurately reflect what was heard on the various  
3 wiretaps and microphones?

4 THE WITNESS: Yes.

5 CHIEF JUSTICE FITZGERALD: The House  
6 Prosecutor may ask questions in redirect if he  
7 wishes.

8 HOUSE PROSECUTOR ELLIS: I have no  
9 redirect for the witness, your Honor. Thank you  
10 very much.

11 CHIEF JUSTICE FITZGERALD: Special  
12 Agent Cain, at this time, you are excused.  
13 Thank you.

14 THE WITNESS: Thank you, your Honor.  
15 (Whereupon, the witness  
16 was  
17 excused.)

18 CHIEF JUSTICE FITZGERALD: The witness  
19 is excused. The House Prosecutor will please  
20 call his next witness.

21 HOUSE PROSECUTOR KASPER: Thank you,  
22 your Honor. Good afternoon. Michael Kasper  
23 again on behalf of the House Prosecutor. We  
24 call Chapin Rose.

1 CHIEF JUSTICE FITZGERALD:

2 Sergeant-at-Arms, will you please escort

3 Representative Rose to the podium.

4 Madam Secretary, please swear in the  
5 witness in accordance with Impeachment Rule 22.

6 MADAM SECRETARY: Please raise your  
7 right hand and repeat after me and insert your  
8 name in the proper place.

9 (Whereupon, the witness was  
10 duly sworn.)

11 CHIEF JUSTICE FITZGERALD: Please take  
12 your seat. The House Prosecutor may now proceed  
13 with the examination of the witness.

14 CHAPIN ROSE,  
15 called as a witness herein, having been first  
16 duly sworn, was examined and testified as  
17 follows:

18 DIRECT EXAMINATION

19 BY HOUSE PROSECUTOR KASPER:

20 Q. Good afternoon, Representative Rose.  
21 Would you please identify yourself and spell  
22 your name for the court reporter.

23 A. Good afternoon. My name is Chapin  
24 Rose, C-h-a-p-i-n, R-o-s-e. I'm the state



1 representative for the 110th District of the  
2 State of Illinois, and I'm also a member of the  
3 House Special Investigative Committee.

4 Q. Could you tell us a little bit about  
5 your background?

6 A. Yes. I have a bachelor degree from the  
7 University of Illinois and also a law degree  
8 from the University of Illinois. I, after  
9 graduating from law school, became an Assistant  
10 State's Attorney in Champaign County and ended  
11 my career before being sworn in here as one of  
12 the senior Assistant State's Attorneys for  
13 Champaign County.

14 Q. Representative Rose, you indicated that  
15 you were a member of the Special Investigative  
16 Committee in the House. Did you attend the  
17 committee hearing?

18 A. Yes.

19 Q. Representative Rose, what are you here  
20 to testify about today?

21 A. I am here merely to -- for the limited  
22 role of summarizing and paraphrasing the  
23 highlights of the testimony as you know. The  
24 four exhibits before us are the plea agreements

1     that Mr. Joe Cari and also Mr. Ali Ata as well  
2     as Mr. Cari's and Mr. Ata's testimony in the  
3     trial, the criminal trial, of Mr. Antoin "Tony"  
4     Rezko. Again, my role is limited to merely  
5     summarizing and paraphrasing some of the  
6     highlights, and I would encourage each member of  
7     this Body to read the entirety of those  
8     documents.

9           Q.     Thank you. Representative --

10           HOUSE PROSECUTOR KASPER: Ladies and  
11     gentlemen, we are distributing three different  
12     packets of material to accompany this witness,  
13     and they're quite lengthy. They contain the  
14     plea agreements of Mr. Cari and Mr. Ata as well  
15     as copies of the testimony of Mr. Cari and Mr.  
16     Ata in Mr. Rezko's trial, both the direct  
17     examination and the cross-examination, and we  
18     are going to ask Representative Rose to briefly  
19     summarize this for your convenience because  
20     these documents are quite lengthy.

21     BY HOUSE PROSECUTOR KASPER:

22           Q.     Now, Representative Rose, have you had  
23     an opportunity to review the plea agreements and  
24     transcripts pursuant to your testimony?

1           A.    Yes.

2           Q.    Have you been handed a copy of the  
3    packets that have been distributed to the  
4    members?

5           A.    Yes.

6           Q.    Are you familiar with the charges to  
7    which Mr. Ata pled guilty?

8           A.    I am.

9           Q.    What are those charges?

10          A.    Mr. Ata pled guilty to two charges.  
11    The first was making a materially false  
12    statement to a federal law enforcement officer.  
13    I would highlight two facts that led to that  
14    charge in his ultimate plea of guilty. The  
15    first was he made a statement that he was not --  
16    excuse me, that Mr. Tony Rezko was not the  
17    person who helped him obtain his position at  
18    what became the Illinois Finance Authority when,  
19    in fact, he knew that Mr. Rezko was instrumental  
20    in his obtaining that position at Illinois  
21    Finance Authority.

22                The second was that he made a statement  
23    to the government that he did not receive  
24    anything in return for his campaign

1 contributions to what in that document referred  
2 to Public Official A, but it was later -- and  
3 his testimony revealed it was Governor  
4 Blagojevich's campaign fund or then-Candidate  
5 Blagojevich's campaign fund when, in fact, he  
6 had. The second charge to which he pled guilty  
7 was making false statements on his tax return.

8 Q. What are the terms of Mr. Ata's plea  
9 agreement?

10 A. The terms of Mr. Ata's plea agreement  
11 essentially are that he provided truthful and  
12 complete testimony, cooperation, assistance in  
13 essentially anything the government might ask  
14 him. This could be anything from additional  
15 follow-up questions by an agent all the way up  
16 to and including testimony in a criminal  
17 proceeding.

18 In return for that, for his truthful  
19 cooperation, he was to receive what's called a  
20 downward departure, a recommendation from the  
21 Court that he receive a downward departure. I  
22 am not an expert in federal criminal law, but I  
23 can tell you from my law school days that my  
24 understanding of a downward departure is that

1     that would somehow reduce his sentence, his  
2     ultimate sentence he would receive. In return  
3     for his cooperation, he would receive a downward  
4     departure, also, that the government would make  
5     no specific recommendations to sentence and that  
6     they would forego prosecuting him on other  
7     possible charges.

8           Q.     And what would happen if Mr. Ata were  
9     to lie to a U.S. Attorney during an  
10    investigation?

11          A.     I would not presume to answer for the  
12    U.S. Attorney's Office, but I would state that  
13    the agreement is clear that the U.S. Attorney  
14    can then rescind the entire agreement, which  
15    would then subject Mr. Ata to the original  
16    penalties, plus, perhaps, the inclusion of new  
17    charges. All the things that he was promised  
18    would then be off the table because the  
19    agreement would be essentially rescinded.

20          Q.     And what if he were to lie in a trial  
21    before a Court?

22          A.     Again, you could be subjected to what I  
23    just stated, but then also the possible position  
24    of perjury, additional perjury charges at that

1 point in time.

2 Q. Okay. Representative Rose, I'd like to  
3 direct your attention to Exhibit No. 7, which is  
4 in the packet that's been distributed. That is  
5 the testimony of Mr. Ata in the case of the  
6 United States v. Antoin Rezko. Are you familiar  
7 with this testimony?

8 A. I've read it. Yes, I am.

9 Q. Do you know why Mr. Ata testified in  
10 the trial against Mr. Rezko?

11 A. The testimony stated somewhere in there  
12 that he was required to do so pursuant to his  
13 plea.

14 Q. And when did Mr. Ata become involved in  
15 fundraising for Governor Blagojevich?

16 A. The transcript's unclear as to the  
17 exact date, however, Mr. Ata did state that he  
18 was approached early on by then Candidate  
19 Blagojevich to assist and help in a potential  
20 bid for governor. What is clear is that by at  
21 least 2002, he was actively helping with the  
22 fundraising operations of that campaign.

23 HOUSE PROSECUTOR KASPER: And ladies  
24 and gentlemen, as you can see, we have posted a

1 demonstrative exhibit, which contains a time  
2 line of events involving Mr. Ata's involvement  
3 with the Blagojevich campaign committee and his  
4 employment with the state. It is also contained  
5 in the packets that have been distributed to  
6 you.

7 BY HOUSE PROSECUTOR KASPER:

8 Q. Representative Rose, did Mr. Ata assist  
9 Governor Blagojevich with fundraising for his  
10 gubernatorial campaign?

11 A. He did. He hosted two such events and  
12 also made personal contributions.

13 Q. And did Mr. Ata have a primary contact  
14 within the Blagojevich fundraising team?

15 A. That would be Mr. Tony Rezko.

16 Q. And did Mr. Ata come to believe --  
17 excuse me.

18 Did Mr. Ata believe that he had an  
19 opportunity to work in the Blagojevich  
20 administration?

21 A. Yes. He was approached by Mr. Rezko in  
22 2002 and asked if he would like to join the  
23 administration. He then went and researched a  
24 number of -- in the testimony, went on the

1 Internet, looked at the different agencies and  
2 areas of state government and then returned to  
3 Mr. Rezko the list of three positions that he  
4 might be interested in.

5 Q. And what were those three positions?

6 A. Those three positions, I believe, were  
7 the Capital Development Board, the Department of  
8 Transportation and the Department of Human  
9 Services, and that was, I believe, tendered to  
10 Mr. Rezko in, I believe, July of 2002.

11 Q. Did Mr. Ata make personal contributions  
12 to Governor Blagojevich's political campaign?

13 A. Yes, he did. And in fact, Mr. Rezko  
14 asked him to make such a contribution of  
15 \$25,000.

16 Q. And did he, in fact, make that  
17 contribution?

18 A. He did. He went to the offices of  
19 Mr. Rezko where he presented Mr. Rezko with a  
20 check for \$25,000. He was then ushered or shown  
21 to a conference room at that same office complex  
22 where then Candidate Blagojevich was sitting  
23 with several advisors. Eventually, those  
24 advisors left the table leaving Mr. Ata, Mr.



1 Rezko and Candidate Blagojevich at the table.

2 Q. And where was the check for \$25,000?

3 A. It was on a table.

4 Q. And what happened in the conference  
5 room?

6 A. Mr. Blagojevich had -- this is, again,  
7 Mr. Ata's testimony that I'm summarizing. He  
8 stated that Mr. Blagojevich thanked him for his  
9 support and words to the effect that he had been  
10 a team player. Mr. Rezko then informed  
11 Mr. Blagojevich that Mr. Ata was interested in,  
12 perhaps, joining the administration. The  
13 Governor, again, words to the effect that Mr.  
14 Ata had been a team player and then asked Mr.  
15 Rezko if he had submitted a list of possible  
16 positions to which Mr. Rezko replied yes.

17 Q. Okay. Thank you. And is that  
18 conversation reflected on the demonstrative  
19 exhibit we have posted up there? It's in the  
20 packet.

21 A. I know. I haven't actually seen the  
22 demonstrative exhibit. Yes.

23 CHIEF JUSTICE FITZGERALD: Would it  
24 help if you moved closer?

1 THE WITNESS: No. It is.

2 BY HOUSE PROSECUTOR KASPER:

3 Q. What happened next, Representative  
4 Rose?

5 A. After the election, Mr. Rezko  
6 approached -- after the election, Mr. Rezko  
7 approached Mr. Ata and informed him that he  
8 would be named to the Capital Development Board  
9 and that Mr. Rezko was to fill out an  
10 application, job application, and submit it to  
11 the Governor's office.

12 Q. And did Mr. Ata get the position of  
13 executive director of the Capital Development  
14 Board?

15 A. No, he did not. He was later informed  
16 that that was most likely going to go to a  
17 downstater.

18 Q. And did Mr. Rezko ever approach Mr. Ata  
19 about other positions within the Blagojevich  
20 administration?

21 A. Yes, later on, he did. And let's see.  
22 I'm trying to think. That would have been in  
23 summer of 2003, I believe, summer of 2003.  
24 Mr. Rezko approached Ata and indicated that

1     there was a plan in place to consolidate a  
2     number of state agencies into a single entity,  
3     which later became known as the Illinois Finance  
4     Authority. And Mr. Rezko asked Mr. Ata if he  
5     would be interested in heading up that agency,  
6     the new agency.

7           Q.     What did Mr. Ata respond?

8           A.     Mr. Ata went back -- I believe his  
9     testimony was he did research on the internet  
10    again, what some of the boards and agencies that  
11    were being consolidated had previously done to  
12    give him a feel for what the new entity would  
13    do, and then returned to Mr. Rezko in July of  
14    2003 that he would, in fact, be interested in  
15    such a position.

16          Q.     What did Mr. Rezko do next?

17          A.     Later in that month -- later in that  
18    month, Mr. Rezko asked Mr. Ata for a \$50,000  
19    campaign contribution to the Blagojevich  
20    campaign fund.

21          Q.     And what did Mr. Ata do in response to  
22    that?

23          A.     Mr. Ata stated that he could only give  
24    25,000 or would only give 25,000.

1 Q. And what happened next?

2 A. He went to a fundraiser for the  
3 Governor, I believe it was at Navy Pier, where  
4 he tendered his contribution for \$25,000.

5 Q. And during that fundraiser, did Mr. Ata  
6 have any conversation with anyone?

7 A. Yes. He had an opportunity to speak  
8 with Governor Blagojevich at that event.

9 Q. What can you tell us about that  
10 conversation?

11 A. He -- and again, I'm paraphrasing and  
12 summarizing, but he and the Governor had a  
13 chance to talk to each other. The Governor  
14 indicated appreciated Mr. Ata's past support,  
15 and the Governor indicated he was aware of the  
16 new contribution. The Governor indicated that  
17 he also had heard Mr. Ata may be joining the  
18 administration.

19 Q. And what happened after the fundraiser?

20 A. Well, there is one more statement in  
21 that, that ultimately, again, words to the  
22 effect that the Governor said to Mr. Ata that he  
23 hoped that whatever the position might be, it  
24 was one that he could make some money at.

1 Q. Thank you.

2 And what happened after the fundraiser?

3 A. Later on in 2003, I believe it was  
4 October, Mr. Rezko informed Mr. Ata that he  
5 would be receiving the appointment to the  
6 Illinois Finance Authority and that he would be  
7 receiving a call from the administration to set  
8 up discussions and preliminary discussions,  
9 things of that nature.

10 Q. And did he say with whom from the  
11 administration he would be having those  
12 discussions?

13 A. I don't remember if he said that, but  
14 ultimately, there was a meeting with John Filan,  
15 who at that point in time was the Governor's  
16 chief budget director.

17 Q. And what happened after Mr. Ata met  
18 Mr. Filan?

19 A. After Mr. Ata met with Mr. Filan, he  
20 went back and had another conversation with Mr.  
21 Rezko at which Mr. Rezko informed Mr. Ata that  
22 Mr. Ata should report to Mr. Filan -- excuse me  
23 -- to report to Mr. Rezko and that -- in fact,  
24 that he wanted to have recurrent meetings on the

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1 doings and happenings of the newly-formed  
2 agency. And I believe at that time, they'd  
3 agreed to meet weekly, biweekly, something of  
4 that nature.

5 Q. I'm sorry. You stated that --  
6 something about Mr. Ata reporting to Mr. Rezko.  
7 Would you clarify that a little bit?

8 A. Sure. I think I misstated Mr. Filan,  
9 and I corrected myself. Mr. Rezko asked  
10 Mr. Ata -- excuse me -- informed Mr. Ata that he  
11 was to report to Mr. Rezko about the doings of  
12 the Illinois Finance Authority.

13 Q. And when you say report, what do you  
14 mean by that?

15 A. Well, at the very least, they're going  
16 to have meetings, but the context of -- what I  
17 took from the context of the transcript was that  
18 Mr. Rezko would be calling the main shots.

19 Q. Do you mean that Mr. Ata would take  
20 direction from Mr. Rezko?

21 A. That's what I took from it, yes.

22 Q. Thank you.

23 How much was Mr. Ata's salary as  
24 executive director of the Illinois Finance

1 Authority?

2 A. The plea agreement stated that it was  
3 approximately \$127,000.

4 Q. When did Mr. Ata resign from the  
5 Illinois Finance Authority?

6 A. I believe it was March of 2005.

7 Q. All right. Thank you.

8 At this point, I'd like to turn your  
9 attention to the evidence received relating to  
10 Joseph Cari. That's C-a-r-i.

11 Representative, did you review Exhibit  
12 No. 5 of the plea agreement between the U.S.  
13 Attorney and Mr. Cari?

14 A. Yes.

15 HOUSE PROSECUTOR KASPER: Ladies and  
16 gentlemen, this has also been distributed in the  
17 packets for your consideration.

18 BY HOUSE PROSECUTOR KASPER:

19 Q. Representative, are you familiar with  
20 the charges to which Mr. Cari pled guilty?

21 A. I am.

22 Q. What are those charges?

23 A. He pled guilty to the attempted  
24 extortion of what in the plea agreement is

1 referred to as Firm 4, but he later identified  
2 it in the transcript as JER, and JER was  
3 attempting to get business from the State of  
4 Illinois, specifically the Teachers' Retirement  
5 System.

6 Q. Are you familiar with the terms of  
7 Mr. Cari's plea agreement?

8 A. I've reviewed them.

9 Q. And what are those terms?

10 A. Essentially the same as Mr. Ata, that  
11 he would provide truthful and complete  
12 cooperation with the federal government,  
13 anything from follow-up questions of agents to  
14 criminal testimony. He would also -- likely Mr.  
15 Ata would receive a downward departure in the  
16 sentencing motion by the government to the Court  
17 in return for his cooperation. Additionally,  
18 like Mr. Ata, the government waived the ability  
19 to prosecute any other charges they may have  
20 been able to bring at that point in time against  
21 him.

22 I think the only thing that was really  
23 different, and I'm not sure that it's relevant  
24 to the proceeding, was that the government did



1 not agree to sit silent on sentencing. They  
2 agreed to make a certain specific sentencing  
3 recommendation.

4 Q. By downward departure, do you  
5 understand that to mean a reduced sentence?

6 A. Yes. Generally, that's my  
7 understanding yes.

8 Q. I'd like to direct your attention to  
9 Exhibit No. 8. Do you have a copy of that?  
10 That's Mr. Cari's testimony in the case U.S. v.  
11 Rezko.

12 A. I have.

13 Q. Are you familiar with that testimony?

14 A. I've read it. Yes.

15 Q. Representative, where did Mr. Cari's  
16 involvement with the Governor's political  
17 community begin?

18 A. Mr. Wilhelm, David Wilhelm called Mr.  
19 Cari in 2003 and asked him if he would meet with  
20 some of the key players around Governor  
21 Blagojevich, principally Mr. Christopher Kelly  
22 and Mr. Tony Rezko.

23 Q. And do you understand what role  
24 Mr. Wilhelm played in the Governor's political

1 committee?

2 A. Mr. Cari testified that he and Mr.  
3 Wilhelm had been good friends for a number of  
4 years, and that his understanding was that Mr.  
5 Wilhelm was the chairman of the Governor's  
6 campaign or some similar high-ranking position  
7 and that his doing with Mr. Blagojevich carried  
8 onto a new administration as part of a  
9 transition team or somehow in transition.

10 Q. And what did Mr. Wilhelm ask Mr. Cari  
11 to do?

12 A. Again, he asked him to meet with some  
13 of the principals and specifically wanted him to  
14 meet with Chris Kelly to talk about -- maybe  
15 some context would be helpful here.

16 Mr. Cari, as you may or may not know,  
17 was the former National Committee Finance  
18 Chairman, and Mr. Wilhelm wanted Mr. Cari to  
19 meet with Mr. Kelly to discuss his experiences  
20 and his -- you know, essentially his  
21 experiences, what it takes to run a national  
22 campaign to raise money on a national level.

23 Q. Did Mr. Cari meet with Mr. Kelly?

24 A. He did. I believe that was in late

1 August of 2003.

2 Q. What did they discuss?

3 A. At that meeting, it was sort of stated  
4 that he talked about his experiences and sort of  
5 what it might take and the general nature of  
6 running a national campaign and raising money at  
7 a national level. Mr. Kelly concluded by  
8 stating words to the effect that he thought Mr.  
9 Cari could be beneficial to Mr. Blagojevich in  
10 the future and that they'd stay in touch or  
11 follow up or something to that effect.

12 Q. Thank you.

13 Now, Representative does the evidence  
14 reference someone named Stuart Levine?

15 A. It does. Shortly after the meeting,  
16 Mr. Kelly, in early September, Mr. Levine and  
17 Mr. Cari met.

18 Q. Excuse me, Representative. Who is  
19 Stuart Levine?

20 A. Stuart Levine was a member of the  
21 Teachers' Retirement System and was assisting  
22 Governor Blagojevich's fundraising efforts.

23 Q. I'm sorry to interrupt you. Do you  
24 want to continue with your answer?

1           A.    Oh, Mr. -- he met with Mr. Levine, and  
2   Mr. Levine's questions were very similar to  
3   Mr. Kelly's, the general nature of running a  
4   national campaign in terms of raising money at a  
5   national level. They discussed -- I think he  
6   even mentioned databases at one point in time.  
7   But in any event, Mr. Cari --excuse me -- Mr.  
8   Levine took notes on note cards and concluded by  
9   saying that he thought this would be very  
10  helpful and would report it back to Mr. Rezko.

11          Q.    After these meetings, did Mr. Wilhelm  
12  ask Mr. Cari to do anything in particular for  
13  the Governor's political campaign?

14          A.    Yes. At some point in time, Mr.  
15  Wilhelm called Mr. Cari and asked him to help  
16  organize a fundraiser in New York for the  
17  Governor. Mr. Cari agreed to do this and called  
18  a friend of his, a Mr. McCall. Mr. McCall was  
19  apparently the former comptroller of the State  
20  of New York, and Mr. McCall helped host this  
21  event that was set up.

22          Q.    Does the evidence divulge why Mr. Cari  
23  thought it would be a good idea to help the  
24  Governor?

1           A.    Could you repeat that? I'm sorry. I  
2    didn't hear.

3           Q.    Does the evidence divulge why Mr. Cari  
4    believed it was a good idea to help the Governor  
5    raise funds?

6           A.    Mr. Cari stated there were a number of  
7    reasons, but one was that his law firm did a lot  
8    of business with the State of Illinois.

9           Q.    And did Mr. Levine speak with Mr. Cari  
10   about the New York fundraiser?

11          A.    Yes. In fact, at one point in time, he  
12   was very excited about the event and that he  
13   hoped to use his personal plane to take the  
14   Governor and Mr. Levine out to New York and  
15   extended an invitation to Mr. Cari to come along  
16   with him on that ride.

17          Q.    Did that, in fact, happen?

18          A.    Yes. According to his testimony, it  
19   did.

20          Q.    Do you know when the fundraiser  
21   occurred?

22          A.    I believe it was in October of that  
23   year.

24          Q.    And what happened during the plane

1 ride?

2 A. Mr. Cari had an opportunity to -- had  
3 the opportunity to sit sort of privately with  
4 the Governor for a 20 or 30-minute period of  
5 time, and they had a discussion that had started  
6 off sort of generally about politics in general,  
7 and then it came down to the Governor had  
8 expressed, perhaps, aspirations for higher  
9 office, which Mr. Cari took to mean the  
10 presidency. And the Governor extended that he  
11 sort of watched Bill Clinton's rise to the  
12 presidency as a governor, and again, I'm  
13 paraphrasing, but that there would be some  
14 advantage to run for the presidency as having  
15 come from a governorship as opposed to, say, a  
16 United States senator.

17 Q. And why would there be that advantage?

18 A. Again, the Governor's -- paraphrasing,  
19 but that the Governor basically said that that  
20 advantage would be because he could award  
21 contracts to people who helped to raise funds.

22 Q. Contracts for what types of work? For  
23 legal work?

24 A. Thank you. Let's be clear. For state

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1 work and -- sorry. I didn't understand.

2 Q. Why don't we go back to the beginning.

3 Why did Mr. Cari state that -- why did the

4 Governor believe it would be easier for him to

5 raise funds as a governor?

6 A. Again, because the Governor had -- that

7 he would be able to award state contracts to

8 essentially campaign contributors.

9 Q. State contracts for legal work?

10 A. Yes.

11 Q. And advisory work?

12 A. Yes.

13 Q. And consulting work?

14 A. Yes.

15 Q. And investment banking work?

16 A. Yes. And I'm sorry. I apologize here,

17 Mike. I'm trying to deal with this button.

18 Investment banking work, yes.

19 Q. Thank you. I'd like to direct your

20 attention to Exhibit No. 8, Page 31, Line 14.

21 A. Page 31, Line 14?

22 Q. Page 31, Line 14 of Exhibit No. 8,

23 which is Mr. Cari's testimony. Would you please

24 tell us how the Governor explained how this made

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1 it easier to raise funds?

2 A. Sure. I'm going to quote now from the  
3 testimony of Mr. Ata: Quote, "that because the  
4 Governor had the ability to award contracts,  
5 that it was much easier to solicit people for  
6 contributions", end quote.

7 Q. I'm sorry. I believe that you  
8 referenced Mr. Ata.

9 A. Thank you. This is Mr. Cari's  
10 testimony.

11 Q. Thank you.

12 A. That was a direct statement of Mr. Cari  
13 in his testimony against Mr. Rezko in the  
14 criminal proceeding. Thank you for that  
15 correction.

16 Q. Did Governor Blagojevich say anything  
17 about Mr. Rezko and Mr. Kelly?

18 A. Yes, that they were trusted advisors,  
19 that he expected them to be with him throughout  
20 his public service career and that they were  
21 sort of key players in his fundraising.

22 Q. And did Governor Blagojevich ask Mr.  
23 Cari to help them with fundraising?

24 A. Ask Mr. Cari?



1 Q. Yes.

2 A. Yes.

3 Q. And turning your attention to Page 32,  
4 Line 6, would you please quote from Mr. Cari's  
5 testimony?

6 A. From Mr. Cari's testimony, this  
7 question is from, I believe, the Assistant  
8 United States Attorney. Quote, "And what, if  
9 anything, did he say in relation to how they  
10 might help his friends", end quote, and the  
11 answer from Mr. Cari, quote, "that there were  
12 contracts, that there was legal work, that there  
13 was investment banking work, consulting work to  
14 give to people who helped them", end quote.

15 Q. And did Mr. Cari explain who he was  
16 referring to when he said, quote, them, close  
17 quote?

18 A. Yes. The Governor and people around  
19 him, principally Mr. Rezko and Mr. Kelly.

20 Q. And what was Mr. Cari's reaction to the  
21 conversation with the Governor?

22 A. He indicated he was surprised for a  
23 number of reasons. One was he had actually  
24 supported Mr. Blagojevich's opponent in the

1 election and that he thought that this was the  
2 type of conversation to have with -- to  
3 paraphrase again, words to the effect of  
4 long-standing friend, close confidant, something  
5 like that.

6 Q. And did Mr. Cari have a conversation  
7 with anyone else that same day?

8 A. Yes. Later that evening at the  
9 fundraiser, he had the opportunity to talk to  
10 Mr. Levine.

11 Q. And Representative Rose, for a final  
12 quotation, I'd like to direct your attention to  
13 Page 39, Line 10. Would you please share with  
14 the Senate Mr. Cari's response to the U.S.  
15 Attorney's question about that conversation?  
16 This is, again, at Page 39, Line 10.

17 A. At Line 10, the question, quote, "What  
18 did you and Mr. Levine discuss that evening",  
19 end quote? And the answer, quote, "Mr. Levine  
20 shared with me that there was a plan in place  
21 that they wanted to implement in terms of  
22 fundraising, that there was going to be  
23 consultants and lawyers and investment bankers  
24 that would be picked by the administration from

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1 people around the administration, and then those  
2 people then would be in return solicited for  
3 political contributions. It was also told to me  
4 that the people around the Governor were the  
5 consultants who wanted to do business --  
6 consultants for companies who wanted to do  
7 business with a variety of the state boards, and  
8 that eventually the Blagojevich administration  
9 would have control of all of the state boards",  
10 end quote.

11 Q. And Representative, during this  
12 conversation, did Mr. Levine indicate who would  
13 be picking these lawyers, investment bankers and  
14 other contractors?

15 A. Mr. Rezko and Mr. Kelly.

16 Q. And Representative Rose, are you  
17 familiar with the events that led to Mr. Cari's  
18 guilty plea?

19 A. Yes. And to summarize and paraphrase  
20 briefly just the highlights, Mr. Levine had  
21 asked Mr. Cari to talk to the principals of JER  
22 and inform them that they would not be receiving  
23 business if they didn't hire a preferred  
24 consultant.

1           Q.   What types of business are you  
2   referring to?

3           A.   At that time, it was my understanding  
4   that they were soliciting business from the  
5   state Teachers' Retirement System and that  
6   that -- in order to obtain that contract, they  
7   would need to hire preferred consultants.

8                   Mr. Cari then called the principals,  
9   some of the principals, on more than one  
10  occasion and conveyed that message that if they  
11  did not hire a preferred consultant, they would  
12  not, in turn, receive state business.

13          Q.   And you said they called the  
14  principals.  The principals of whom?

15          A.   Of JER.  There was -- in fact, the  
16  testimony -- I don't know if it ever  
17  concluded -- there was a Mrs. Harmon, but I  
18  don't know if they ever concluded she was the  
19  CEO, COO or whatever her exact status was, but  
20  he did have a conversation with Ms. Harmon and  
21  then also later on with the general counsel, and  
22  I believe he had a separate conversation -- I  
23  believe a separate conversation with outside --  
24  with general counsel and then also their outside

1 counsel.

2 Q. And during his testimony, did Mr. Cari  
3 indicate why he told JER that they needed to  
4 hire consultants selected by Mr. Levine?

5 A. To paraphrase, he said that's because  
6 that's how it's done in Illinois and that in  
7 Illinois, the Governor and the people around the  
8 Governor pick the consultants.

9 HOUSE PROSECUTOR KASPER: Thank you,  
10 Representative. I have no further questions.

11 THE WITNESS: Thank you.

12 CHIEF JUSTICE FITZGERALD: Per Senate  
13 Resolution 7, the Governor or his counsel have  
14 the right to conduct a cross-examination of this  
15 witness. However, if neither the Governor nor  
16 counsel on his behalf have appeared, there can  
17 be no cross-examination. Therefore, we will  
18 proceed directly to the taking -- to take  
19 written questions from the senators regarding  
20 the testimony of this witness.

21 President Cullerton, for what purpose  
22 do you rise?

23 PRESIDENT CULLERTON: Thank you, .

24 Mr. Chief Justice. My counterpart and

1 I have conferred, and it's the request that we  
2 have a short caucus, probably no longer than one  
3 half hour for the purpose of determining whether  
4 or not we have any questions of this witness.

5 CHIEF JUSTICE FITZGERALD: The Senate  
6 will -- I would note that a half hour is  
7 perfectly agreeable to me.

8 Senator Radogno, you're in agreement  
9 with this?

10 SENATOR RADOGNO: Yes.

11 CHIEF JUSTICE FITZGERALD: Each party  
12 will then meet in a caucus of one half hour.  
13 The Senate will stand in recess to the call of  
14 the chair during the caucus and return to the  
15 caucus at the hour of a couple minutes to 5:00.  
16 The Senate stands in recess to the call of the  
17 chair.

18 (Whereupon, a short recess  
19 was taken.)

20 CHIEF JUSTICE FITZGERALD: The Senate  
21 will come to order. We've been advised by the  
22 leadership that they would prefer to put this  
23 matter over until tomorrow.

24 Oh, I'm sorry. I'm not accustomed to

1     that.

2                 Senator Cullerton?

3                 PRESIDENT CULLERTON:  Yes.  Thank you,  
4     Mr. Chief Justice.  It's my understanding the  
5     request of the Republicans is that they wanted  
6     to not pose any questions at this time of the  
7     witness, but rather, come back tomorrow after  
8     they've had an opportunity to review the  
9     documents that were submitted to us with regard  
10    to the testimony of Chapin Rose.  So it's my  
11    suggestion that we accommodate that, but that we  
12    would come in a half hour earlier than we  
13    otherwise would have, and that we come back  
14    tomorrow for the impeachment proceedings to  
15    begin at 9:30.  Our regular session would begin  
16    at 9:15.  I give my suggestion to the Chief  
17    Justice.

18                CHIEF JUSTICE FITZGERALD:  The  
19    impeachment tribunal will -- Senator Radogno?

20                SENATOR RADOGNO:  Thank you.  I just  
21    wanted to express my appreciation to Senator  
22    Cullerton for taking into account my concerns  
23    that we received a lot of documents just within  
24    the last few minutes, and we have members that

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1 really are taking this very seriously and want  
2 to have an opportunity to review those. And  
3 consequently, we would be very grateful to have  
4 the evening to review and do questions tomorrow  
5 of this witness.

6 CHIEF JUSTICE FITZGERALD: On this  
7 motion, is there leave? Hearing no objection,  
8 it will be granted. The impeachment tribunal  
9 will stand in recess until the hour of 9:30  
10 a.m., Wednesday morning, January 28th, 2009. At  
11 the appropriate time, I will reconvene the  
12 Senate as an impeachment tribunal for further  
13 presentation of witnesses by the House  
14 Prosecutor.

15 Mr. President?

16 PRESIDENT CULLERTON: There being no  
17 further business to come before the Senate, the  
18 Senate stands adjourned until the hour of 9:15  
19 a.m. on Wednesday, January 28, 2009. The Senate  
20 stands adjourned.

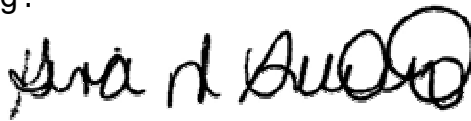
21 (Whereupon, the proceedings were  
22 continued to January 28, 2009  
23 at 9:15 a.m.)

24



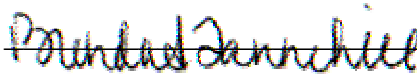
1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )  
4

5 Gina M. Luordo and Brenda S. Tannehill  
6 being first duly sworn, on oath say that they  
7 are court reporters doing business in the City  
8 of Chicago; and that they reported in shorthand  
9 the proceedings of said hearing, and that the  
10 foregoing is a true and correct transcript of  
11 their shorthand notes so taken as aforesaid, and  
12 contains the proceedings given  
13 at said hearing.

14 

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16 GINA M. LUORDO, CSR, RPR, CRR



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19 BRENDAS. TANNEHILL, CSR, RPR, CRR  
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